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MIRROR

OF

PARLIAMENT.

SESS. 1840.

VOL. II.

LONDON:
Printed by A. SPOTTISWOODE,
New-Street-Square.

THE

MIRROR

OF

PARLIAMENT.

FOR

THE THIRD SESSION OF THE
FOURTEENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND,
IN THE
THIRD AND FOURTH YEARS OF THE REIGN OF QUEEN VICTORIA,
APPOINTED TO MEET JANUARY 16. AND FROM THENCE
CONTINUED TILL AUGUST 11. 1840.

EDITED BY

JOHN HENRY BARROW, Esq.

BARRISTER AT LAW.

SESSION OF 1840.

VOL. II.

LONDON:
PUBLISHED BY
LONGMAN, ORME, BROWN, GREEN, & LONGMANS,
PATERNOSTER-ROW; JOHN MURRAY, ALBEMARLE-STREET;
AND
J. RICHARDS & CO., FLEET-STREET.
1840.

HOUSE OF COMMONS, Mercurii, 12° die Februarii, 1840.

PRIVATE BUSINESS.

Andover Road Bill. — Petition of the clerk to the trustees of the Basingstoke and Stockbridge Road, against. — Referred to the Committee on the Bill.

Manchester and Birmingham Railway. — Petition of owners and occupiers of lands and premises on the line, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

West Stirlingshire Roads. — Petition of John Wilson and John Graham, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

General Steam Navigation Company; British Plate Glass Company; Aston Small Debts; Bedford, Woburn, and Leighton Bussard Road; Kingston upon Hull Docks. — Petitions for Bills were reported, and the Reports severally referred to the Select Committee on Standing Orders.

Protestant Dissenters' Assurance Company. — Report from Select Committee on Petitions for Private Bills (4th February) read; Bill ordered to be brought in by Mr. Hindley and Mr. Villiers.

In the following cases, petitions for Bills were reported; and Bills thereupon severally ordered to be brought in; namely, —

Nottingham Gas, — By Colonel Rolleston and the Earl of Lincoln.

Manchester and Salford Junction Canal, — By Mr. Mark Philips and Mr. Brotherton.

Maidstone and Biddenden Road, — By Mr. Hodges and Sir Edmund Filmer.

Glasgow Bridewell, — By Mr. Oswald and Mr. Lockhart.

The following Bills were severally presented, read a first time, and ordered to be read a second time; namely, —

Thames Plate Glass Company Bill, — "To enable 'the Thames Plate Glass Company' to sue and be sued in the Name of the Chairman or Deputy Chairman, or Secretary, or any one of the Directors for the Time being, of the said Company, and for other Purposes."

Greenock Improvement Bill, — "For the further Improvement of the Town of Greenock; for better lighting and supplying the same with Water; for regulating the Police thereof, and for other Purposes connected therewith."

Chester and Crewe Grand Junction Railways Consolidation Bill, — "For incorporating the 'Chester and Crewe Railway' with the 'Grand Junction Railway,' and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway, and for other Purposes."

The following Bills were read, severally, a second time, and committed, as follows: —

Lancaster and Preston Railway Act Amendment Bill, — To Lord Stanley and the North Lancaster list.

Brighton Small Debts Bill, — To Captain Pechell and the East Sussex list.

Sheffield and Rotherham Railway Act Amendment Bill, — To Sir George Strickland, and the West Riding of York list.

Chester and Birkenhead Railway Bill. — Order (11th February) for committing the Bill to Mr. George Wilbraham and the North Chester list, discharged; Bill committed to Mr. George Wilbraham and the South Chester list.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That in the case of the Canterbury Pavement petition, the Standing Orders ought not to be dispensed with.

2. That, in the case of the Ardwick Improve-

ment petition, the Standing Orders ought not to be dispensed with.

3. That, in the case of the Triplow Inclosure petition, the parties be permitted to proceed with their Bill.

Third resolution agreed to; Report to lie on the table.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

Mathew Elias Cobbally, Esquire, for Meath.

RETURN.

Writs of Error. — Return presented — of judgments in the Court of Exchequer, brought by writ of error (ordered 27th January). — To lie on the table.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely, —

Corn Laws, — By Mr. Oswald, Sir James Graham, and Mr. Villiers, in favour of the repeal of the corn laws, — from Glasgow (provost); Denholm; and Dunfermline.

Maynooth College, — By Mr. C. W. Packe and Sir Edward Knatchbull, — from Barwell and places in the county of Kent, against any further grant to this institution.

County Constabulary Act, — Of magistrates of Salop, for amendment.

Church of England, — By Sir Edward Knatchbull, Sir Eardley Wilmot, General Lygon, Mr. Planta, Sir Thomas Fremantle, Sir James Graham, and Sir Robert Inglis, praying for measures calculated to secure extended accommodation in churches of the Establishment, and the wider diffusion of instruction in the doctrines of the said church, — from Overton cum Fyfield; Pately Bridge; Bishop Monkton; Earls Croome; Bishampton; Market Harborough; All Saints and St. Clement's, Hastings; St. Mary in the Castle, Hastings; Willesley; Brinklow; Church Lawford and King's Newnham; Honiton; Ashford; Birlingham; Kempsey; Severn Stoke; Lamphey; St. Mary Bredin; Gawcott; Napton; Minterne Magna; North Perrott; Over Compton and Nether Compton; Henlow; Farnham; Scotton; Saham Toney; Blandford St. Mary; Mapperton and Hook; Mapowder; Horton cum Woodlands; Bickleigh; Tormoham; and Widdecombe in the Moor.

Church Patronage (Scotland), — By Mr. J. Elliott, Mr. Ewart, Mr. Bannerman, Sir James Graham, and the Honourable Captain Gordon, praying for amendment of the law on this subject, and against the intrusion of unacceptable ministers, — from Bonaccord; Trinity Parish, Aberdeen (two petitions); St. Boswell's; Tain Presbytery (moderator); Uig; Killearnan; Nigg; Tearn; Kiltearn; Pitsligo; Insch; Turriff Presbytery (moderator); Meldrum; Fraserburgh; Glasgow Presbytery (moderator); and Rayne.

Distress, — from Dalston, complaining of the distress prevailing in the country, and praying for relief.

Lord's Day, — of the Moderator of the Presbytery of Tain, for the better observance thereof.

Flour Importation (Ireland) Bill, — By Mr. Litton, — of corn millers of Antrim and Down, against.

Printed Papers (Hansard's Case) — The Sheriffs, — By Mr. D'Israeli, — from the mayor, corporation, and inhabitants of the town of Maidstone, expressive of their deep regret at the continued imprisonment of the sheriffs of London and Middlesex, under order of this House, and praying for the immediate release of those gentlemen.

Church Rates, — By Sir George Strickland and Mr. Ward, for the abolition thereof, and for the immediate release of John Thorogood, now suffering imprisonment by reason of his conscientious refusal to pay such rates, — from Steeple Bumsted and Oughty Bridge.

Newport Riots (Cases of Frost, &c.), — By Mr. Ewart, — for a free pardon of Frost, Williams, and Jones, — from Worcester and Dumfries.

SOCIALISTS. — PRINTED PETITIONS.

Mr. WARD. — I have a petition to present from the inhabitants of Sheffield, complaining of the disparaging and very gross misrepresentations which have been made in this House, and elsewhere, respecting the doctrines and objects of a sect, to which petitioners belong, — the "Socialists." They respectfully pray that inquiries may be instituted into the doctrines in question, and especially that Mr. Robert Owen may be examined before a Select Committee of this House.

An Honourable Member. — I perceive that that petition is lithographed. I submit that it is therefore informal, and cannot be received.

Mr. FRESHFIELD. — I will take this opportunity of stating that the Public Petitions Committee, which is now sitting, would be exceedingly obliged to you, Mr. Speaker, for some instructions on this very point. Petitions are very frequently referred to us, on various subjects, which petitions, being lithographed, we do not exactly know how to deal with. Perhaps the Chair would favour us with its opinion on this matter?

The SPEAKER. — I take the rule, founded on the general understanding which has been come to by this House, to be, that lithographed petitions shall be considered as printed petitions. It is against the orders of the House to receive printed petitions.

JUVENILE OFFENDERS BILL.

Second reading deferred from Tuesday, 18th February, till Wednesday, 26th February.

NOTICES OF MOTIONS.

SIR EDWARD SUGDEN. — In case it shall appear that the sheriff, still in the custody of the Sergeant-at-Arms, has not been released by that day, and in the event of my having no more convenient opportunity for the purpose, I beg to give notice that I shall, on Friday next, submit a resolution to rescind the order directing the sheriffs of Middlesex to repay the sum of 640*l.* to Messrs. Hansard.

TITHE COMMUTATION ACT.

SIR ROBERT INGLIS. — I wish to ask my Right Honourable Friend the Member for East Kent, whether he means, to-day, to press the second reading of his Tithe Commutation Bill? My reason for this question is, that we have had the prints before us only six days; and no sufficient opportunity has yet been afforded us to make ourselves masters of its details. I really think that, looking to the state of the House, this is not a favourable opportunity for taking the second reading, and, consequently, affirming the principle of so important a measure.

SIR EDWARD KNATCHBULL. — I hope, in answer to my Honourable Friend, to satisfy the House that I am not unreasonable in pressing the second reading of my Bill, as I shall presently do. The order for printing the Bill was made on the 29th of January. I do not think there can be any strong ground, therefore, for the complaint, that the Bill has not been a sufficiently long time before Members. I am aware that, owing to the new system adopted for the transmission of parliamentary papers, Gentlemen who live out of town may not have received their prints of the Bill until two or three days after they would have reached those Gentlemen under the old system. In that case I can easily conceive that they may have been put to much inconvenience.

POST OFFICE.

Mr. HODGSON. — I beg to know what arrangements have been made respecting the transmission of parliamentary papers to the country? I do not quite understand them.

Mr. R. STEUART. — The arrangements were explained by the Chancellor of the Exchequer the other night; but it was found that the Post Office would find some difficulty in carrying it into effect; and therefore some other plan, I believe, will shortly be adopted.

The SPEAKER. — So far as regards the arrangements which have been made for the convenience of Members, in this House, I may observe, that those which I directed were, of course, as conformable with the paper which the Chancellor of the Exchequer had put into my hands relating to the measures to be adopted in the Post Office department.

RETURNS, &c.

British Northern Colonies. — On the motion of Mr. George Palmer, Return ordered, "of vessels which cleared out at the British Northern Colonies in the years 1836, 1837, and 1838, for the several ports in the United Kingdom;

showing the names, tonnage, number of men, when and where built, length, breadth, and depth, and the port at which arrived."

Ordnance. — Estimates of the Office of Ordnance for 1840-41, presented (Address 21st January). — To lie on the table, and to be printed.

CHINA.

Mr. R. PALMER. — Having observed an advertisement, recently, in the public papers, announcing that Her Majesty's ships will be ready to take treasure out to China, I wish to ask the Right Honourable Gentleman opposite, whether private merchant ships may, with safety, clear out for China, and with any certainty of entering their port of destination when they arrive in the Chinese seas?

Mr. LABOUCHERE. — I will be much obliged if the Honourable Member will suffer his question to stand as a notice for to-morrow. I will be prepared to give him a distinct answer to-morrow.

VAGRANTS' REMOVAL BILL.

On the motion of Mr. R. PALMER, read a second time, and committed for Monday next.

LORD GRANVILLE SOMERSET. — I hope my Honourable Friend does not propose, after the second reading of this Bill, to delay the Committee very long?

Mr. R. PALMER. — I know of nothing to occasion any delay.

TITHES COMMUTATION ACTS AMENDMENT BILL.

SIR EDWARD KNATCHBULL. — I beg to move the second reading of this Bill. Gentlemen are aware that under the requisitions of the existing Act on this subject, the arrangements for commutation, in any case almost, cannot be completed until the new surveys of parishes which it has been deemed necessary to have executed shall have been made. When that Act was passed, it was calculated that six months would suffice for the preparation of such new surveys. It is quite clear that that expectation has been altogether defeated. Difficulties have arisen in the practical working of the Act, — sometimes under the application
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remain on its present footing; as it stands, I mean, under the existing Act. I know not from what manufactory this Bill comes; —I presume from the office of the Tithe Commissioners; — but I am sure it could never be brought into operation without a vastly expensive and cumbrous process. Here is one clause which declares that the landowner — in the case suggested by the Right Honourable Baronet — is to give security to the tithe-owner; and that on this being done, an order is to be issued by the Tithe Commissioner of the district to prevent the tithe being levied in kind. Why, such a course of proceeding would be sure to involve the parties in endless differences. Let it be remembered, that the expenses of the Tithe Commission which we have established are already about 15,000*l.* a-quarter, or 60,000*l.* per annum; but, if the Right Honourable Baronet's Bill be carried, this charge, large as it is, will be enormously increased. I need not particularise any collateral evidence to prove that such increase of expense must be the result of bringing the Bill into operation. he fact is apparent. I am aware that e Right Honourable Baronet has told us t some of the main clauses have reived the sanction of the Tithe Comssioners; but I cannot think that that cumstance, in itself, affords a sufficient tification for any Honourable Member come down to this House, and ask its sent to a measure which must entail eavy burden on the public resources. ropose, as an amendment, that the be read a second time this day six nths.

r. FOX MAULE. — Sir, since the t Honourable Gentleman last brought question before the House, I have ght right to refer his proposition to Tithe Commissioners; and I am ined by one of those gentlemen, on lf of his colleagues, that it meets their approval, and that, if carried gh, it will have the effect of relieving from a great portion of the difficulties which they have to contend, — while, d of making the operation of the Commutation Act more expensive, diminish the expense. The object e Act is, to effect the commutation hes into a rent charge more speedily could otherwise be accomplished. It te true, as observed by my Honour- Friend behind me, that in most cases mposition has been accepted cheer- by the tithe payers; but still there n some few instances of vexatious ence to the old system of paying in kind, which some Act, like the present, can alone prevent. It is not to be expected that a great measure like that for the commutation of tithes could be made perfect at once, without requiring a supplementary Bill, in order to give its provisions more complete effect. On these grounds, I shall vote for the second reading of the Bill.

Mr. GOULBURN. — Sir, I confess that I very much doubt whether this Bill will answer any of the good purposes expected by the Honourable Gentleman opposite. It appears to me that the Bill will apply to extremely few cases in which the landowner is owner of the whole land in the parish. The Bill provides, that in case of a parish intending to compound for its tithes, any individual landholder, who can give security, can take the whole composition into his own hands, and become liable for its payment. Now, if one person were owner of the whole land of a parish, I could understand very well that it would be worth his while to undertake such a responsibility; but if the land should be divided among many holders, does any Honourable Member suppose that any individual holder would encumber himself with the whole tithes of the parish? I cannot conceive that any man, who could rationally calculate the difficulty of collecting tithes, would undertake the responsibility. These clauses, therefore, would only apply to one or two cases; and I really cannot see the necessity of legislating for so very rare a contingency. I am also afraid that the Bill will afford facilities for further delay, and that, if it pass, many compositions, now on the eve of completion, will be postponed indefinitely. Thinking, therefore, that the measure proposed is so important in its details, I should prefer that it were at once taken up by Government, and that the House should take it into its careful consideration. As at present introduced, I must oppose its further progress.

SIR R. INGLIS. — I must say that in my opinion, sufficient time has not been given for the consideration of this measure. We are called upon to agree to the second reading of the Bill within seven days after it has been delivered to Members; and this ground, alone, is sufficient to induce me to vote with the Honourable Member for Exeter, that the Bill be read a second time this day six months.

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MR. DIVETT. — I think I shall be able to show that this is a Bill ill calculated to produce the effect which the Right Honourable Gentleman anticipates from it. The Bill now in operation "for the commutation of tithes" was passed through this House after much laborious discussion and consideration. Within these very few years, since that was passed, three or four emendatory Acts have been sanctioned by the Legislature; one of these was the Act 6 Will. IV.; another, the 1 Vict.; another, the 2 Vict.; and the last, the 2 & 3 Vict. Now, I believe it to be absolutely impossible to dovetail into these several measures of legislation the present Bill, consisting as it does of no less than seventy clauses. The Right Honourable Baronet has said that his object is to prevent the taking of tithes in kind; and, undoubtedly, that would be a most useful and valuable object to accomplish. But I must be permitted to say, that the ample machinery which would be put in motion by a Bill like this in my hand, would, so far from facilitating the views of the Right Honourable Gentleman, infinitely enhance the difficulty of bringing about such a result. I apprehend the matter had better remain on its present footing; as it stands, I mean, under the existing Act. I know not from what manufactory this Bill comes; —I presume from the office of the Tithe Commissioners; — but I am sure it could never be brought into operation without a vastly expensive and cumbrous process. Here is one clause which declares that the landowner — in the case suggested by the Right Honourable Baronet — is to give security to the tithe-owner; and that on this being done, an order is to be issued by the Tithe Commissioner of the district to prevent the tithe being levied in kind. Why, such a course of proceeding would be sure to involve the parties in endless differences. Let it be remembered, that the expenses of the Tithe Commission which we have established are already about 15,000*l.* a-quarter, or 60,000*l.* per annum; but, if the Right Honourable Baronet's Bill be carried, this charge, large as it is, will be enormously increased. I need not particularise any collateral evidence to prove that such increase of expense must be the result of bringing the Bill into operation. The fact is apparent. I am aware that the Right Honourable Baronet has told us that some of the main clauses have received the sanction of the Tithe Commissioners; but I cannot think that that circumstance, in itself, affords a sufficient justification for any Honourable Member to come down to this House, and ask its consent to a measure which must entail a heavy burden on the public resources. I propose, as an amendment, that the Bill be read a second time this day six months.

Mr. FOX MAULE.—Sir, since the Right Honourable Gentleman last brought this question before the House, I have thought right to refer his proposition to the Tithe Commissioners; and I am informed by one of those gentlemen, on behalf of his colleagues, that it meets with their approval, and that, if carried through, it will have the effect of relieving them from a great portion of the difficulties with which they have to contend,—while, instead of making the operation of the Tithe Commutation Act more expensive, it will diminish the expense. The object of the Act is, to effect the commutation of tithes into a rent charge more speedily than could otherwise be accomplished. It is quite true, as observed by my Honourable Friend behind me, that in most cases the composition has been accepted cheerfully by the tithe payers; but still there remain some few instances of vexatious adherence to the old system of paying in kind, which some Act, like the present, can alone prevent. It is not to be expected that a great measure like that for the commutation of tithes could be made perfect at once, without requiring a supplementary Bill, in order to give its provisions more complete effect. On these grounds, I shall vote for the second reading of the Bill.

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SIR E. SUGDEN.— As it is my intention to vote for the second reading, I wish to explain my reasons for so doing.

I must, with great deference to my Right Honourable Friend, say, that I think the measure will, to some extent, fail in accomplishing one of its objects — that of giving the one landholder, who is to undertake the whole responsibility of a parish, sufficient security as against the other landholders. I have another objection to the alterations proposed, and that is, that they are the suggestion of the Tithe Commissioners. I think that the duty of these gentlemen is merely to carry out the law,— not to make suggestions as to its alteration. I think, also, that to introduce measures making material alterations in the original Tithe Composition Act is objectionable. I shall vote for the motion, however, on the understanding that the Bill be read a second time now, and afterwards referred to a Select Committee up-stairs.

SIR E. KNATCHBULL. — I am quite ready to agree to the recommendation of my Right Honourable Friend. I am sorry to say that I am not in the same happy state of agreement with the representatives of Oxford and Cambridge. I hope there is no secret combination between the two universities to defeat the Bill, as I am sure it must do them great service. My object, in proposing it, was merely to carry into effect the ends which the Legislature had in view in passing the original measure. My Right Honourable Friend objects to our saddling one landholder with the responsibility; but, in my opinion, what is everybody's business is nobody's business,—and that is, I believe, the case in many parishes at this moment. I hope, therefore, that the Honourable Member for Exeter will withdraw his opposition to the measure, and suffer the Bill to be read a second time. I, on my part, shall be ready to refer it, afterwards, to a Select Committee.

Question put,—" That the word ' now ' stand part of the question."

The House divided: — Ayes 77, Noes 21; Majority 56.

AYES.

Aglionby, H. A.
Baines, E.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Blackburne, I.
Blake, M. J.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bowes, J.
Broadley, H.
Clerk, Sir G.
Cochrane, Sir T. J.
Darby, G.
Douglas, Sir C. E.
Egerton, W. T.
Fleetwood, Sir P. H.
Fort, J.
Gillon, W. D.
Gordon, Hon. Captain
Gore, O. J. R.
Graham, Rt. Hon. Sir J.
Grant, Hon. Colonel
Grant, F. W.
Greene, T.
Grey, Rt. Hon. Sir C.
Grimsditch, T.
Hamilton, Lord C.
Hardinge, Right Hon. Sir H.
Hastie, A.
Heneage, G. W.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Hughes, W. B.
Johnstone, H.
Kirk, P.
Litton, E.
Lockhart, A. M.
Lowther, J.;H.
Lushington, Rt. Hn. S.
Macaulay, Right Hon. T. B.
Mackenzie, T.
Mackenzie, W. F.
Miles, W.
O'Brien, W. S.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Pigot, D. R.
Polhill, F.
Pringle, A.
Rose, Rt. Hon. Sir G.
Round, J.
Rushbrooke, Colonel
Rutherfurd, Rt. Hn. A.
Scarlett, Hon. J. Y.
Sheppard, T.
Steuart, R.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Vere, Sir C. B.
Verney, Sir H.
Vivian, Right Hon. Sir R. H.
Waddington, H. S.
Walker, R.
White, A.
Williams, W.
Winnington, Sir T. E.
Winnington, H. J.
Young, Sir W.

Tellers.

Knatchbull, Rt. Hon. Sir E.
Maule, Hon. Fox

NOES.

Aglionby, Major
Arbuthnott, Hon. H.
Bagge, W.
Bellew, R. M.
Bewes, T.
Blair, J.
Brotherton, J.
Dennistoun, J.
Duncombe, Hon. A.
Ewart, W
Hector, C. J.
Inglis, Sir R. H.
Lushington C.
Macleod, R.
Martin, J.
Pechell, Captain
Salwey, Colonel
Thornely, T.
Vigors, N. A.
Warburton, H.
Yates, J. A.

Tellers.

Divett, E.
Goulburn, Rt. Hn. H.

Main question put, and agreed to.

Bill read a second time, and committed for Friday.

SPIRIT LICENCES (SCOTLAND) BILL.

Mr. GILLON. — I move that the Spirit Licences (Scotland) Bill be now read a second time.

Question put,—" That the Bill be now read a second time."

Mr. PRINGLE. — My objection to the further progress of the Bill is, that it is intended to do away with the necessity which now exists in Scotland, that every keeper of an alehouse should apply to the magistrates every year for a renewal of his licence. The Honourable Gentleman opposite objected, on a former evening, to this rule, as a degradation to the alehouse keepers; but I differ from him entirely, and, as far as my experience goes, I believe that the majority of respectable alehouse keepers are of my opinion, and would prefer the continuance of the present system. That works, in fact, hardship to those, only, who are incorrect in their conduct. The Honourable Member also said that accident might prevent the alehouse keeper from renewing his licence at the specified time, in which case he would lose it altogether. The Honourable Member should recollect that there is a remedy for this, as the alehouse keeper can apply to the Commissioners of Excise. Now, what is this proposition? It is, that it shall be lawful for the officers of excise to grant licences to alehouse keepers without such persons being obliged to get fresh annual certificates from the local magistrate, unless certain information shall have been given to the officers that the person applying keeps a disreputable house. In my opinion, the effect of this alteration would be, to increase, very much, the number of public houses all over the country, and altogether to change their character. The circumstance of such houses being subject to the inspection and control of the local magistrates, is one of very great importance. Under these circumstances, I shall feel it my duty to move, as an amendment, to leave out the word "now," and at the end of the question to add the words "upon this day six months."

Question put,—"That the word 'now' stand part of the question."

Mr. R. STEUART. — As the Honourable Member for Falkirk seems to have mistaken what fell from me on a former occasion, I trust I may be allowed a word or two as to what my opinion is with respect to this measure. I have no desire to take from the magistrates the power of withdrawing the licences in the event of misconduct, but merely to save the spirit seller from the hardship and annoyance of having to go annually before the magistrates to obtain a renewal of his certificate. In my opinion, the Justice of Peace Clerk should give notice to the alehouse keeper, whom it is intended to deprive of his licence, that that person should attend before the justice to have the matter investigated, and that if the charges should prove unfounded, the licence would issue as a matter of course.

SIR GEORGE CLERK. — Sir, my principal objection to the measure is, because it goes to create a difference, in this respect, between the law of Scotland and that of England. I will always oppose any proposition to withdraw the power of licensing from the magistracy. Gentlemen not acquainted with Scotland may imagine that that country labours under some special grievance in this matter. Such is not the case, as the law is precisely similar in both countries. I must object to this Bill; but I should have no objection to assimilate the law of Scotland to that of Ireland, by allowing persons to obtain licences for the sale of spirits not consumed on the premises.

The CHANCELLOR of the EXCHEQUER.—I should certainly be favourable to some such measure as the present, because the mode of proceeding in Scotland, with regard to the renewal of these licences, is productive of the greatest inconvenience to the persons interested, and because I think that that inconvenience could be removed without interfering with the efficient control of the magistrates. At the same time, however, I must object to some parts of the Bill now before the House. I wish to preserve to the magistracy all the substantial powers they now possess, with regard to the withdrawal of licences; but I desire to obviate any unnecessary inconvenience to the parties who have to obtain renewals of their licences.

Mr. HERRIES. — If I understand rightly, every one seems to object to the Bill as it stands at present. Under these circumstances, I think that the least inconvenient course would be, to withdraw the Bill, and prepare another more likely to meet the wishes of all parties. Besides, I am afraid that if such a law were passed for Scotland, we should soon have to pass a similar measure for this country.

GENERAL SHARP. — I shall feel it my duty to oppose the further progress of this Bill. I understand that it provides that magistrates, intending to resist the granting of licences, must lodge complaints at the Excise Office. Magistrates cannot know anything of the conduct of publicans unless it come officially before them,—a thing which, in Scotland, where most of the judicial business is done by the county sheriff, but rarely happens. Under these circumstances, I must vote against the Bill.

Mr. GILLON. — I submit that it affords good evidence of the merits of this Bill, that its adversaries can find no means of defeating it but misrepresentation. Some Gentlemen have stated that the intention of the Bill is, to take away all control from the magistrates; but I think that any Honourable Member who has listened to the remarks of the Honourable Lord of the Treasury (Mr. R. Steuart), must have had his doubts completely removed on that subject. With this observation, I shall leave the Bill in the hands of the House, merely further saying that, if Government will take up the matter, I shall be happy to commit the further stages of the Bill to its guidance.

The House divided: — Ayes 42, Noes 60; Majority 18.

AYES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Blake, M. J.
Bowes, J.
Bulwer, Sir L.
Corbally, M. E.
Craig, W. G.
Dennistoun, J.
Elliot, Hon. J. E.
Fleetwood, Sir P. H.
Fort, J.
Hastie, A.
Howard, P. H.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, Right Hon. T. B.
Macleod, R.
Maule, Hon. Fox
Miles, W.
Morpeth, Lord Visct.
Morris, D.
O'Brien, W. S.
Pechell, Captain
Pigot, D. R.
Pryme, G.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Smith, J. A.
Style, Sir C.
Thornely, T.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Winnington, Sir T. E.
Wyse, T.
Yates, J. A.

Tellers.
Gillon, W. D.
Steuart, R.

NOES.

Arbuthnott, Hon. H.
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Clerk, Sir G.
Cochrane, Sir T. J.
Corry, Hon. H.
Darby, G.
Douglas, Sir C. E.
Duncombe, Hon. A.
Eaton, R. J.
Fector, J.
Filmer, Sir E.
Gordon, Hon. Captain
Gore, O. J. R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, Hon. Colonel
Grant, F. W.
Grimsditch, T.
Hector, C. J.
Heneage, G. W.
Hepburn, Sir T. B.
Herries, Rt. Hn. J. C.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, H.
Kirk, P.
Knatchbull, Rt. Hon. Sir E.
Knox, Hon. T.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Polhill, F.
Rose, Right Hon. Sir G.
Round, J.
Rushout, G.
Sharpe, General
Shaw, Rt. Hon. F.
Sheppard, T.
Somerset, Lord G.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Young, J. (Cavan)
Young, Sir W.

Tellers.
Lockhart, A. M.
Pringle, A.

Words added; main question, as amended, put, and agreed to; Bill put off for six months.

INLAND WAREHOUSING BILL.

Second reading deferred till Friday, the 21st of February.

SUPPLY. — WAYS AND MEANS.

Committees deferred till Friday.

TRANSFER OF AIDS BILL.

The CHANCELLOR of the EXCHEQUER. — I move that the House do now resolve itself into committee on the Transfer of Aids Bill.

Mr. HERRIES. — With the permission of the House, I will avail myself of this opportunity to make some observations with respect to the Return that has been made of the money available for the purpose of supply in the Exchequer. It appears on the face of the Return that there is still 1,000,000*l.* of Exchequer bills to be issued, which formed part of the original amount of 25,000,000*l.* permitted to be issued under the vote of the Committee of Ways and Means. Now, I wish to ask the Right Honourable Gentleman whether this does not make up the sum of 21,000,000*l.* Exchequer bills which he said were outstanding? The Right Honourable Gentleman's predecessor (Lord Monteagle) said, on a former occasion, that the amount of the unfunded debt was 20,000,000*l.* I suppose that that sum, with the additional 1,000,000*l.* which he intends to issue, and which he is authorised to do by the vote of last year, will make 21,000,000*l.*; and, also, that he does not intend to issue any more of the remaining 4,000,000*l.* This may be obvious enough to the Right Honourable Gentleman; but it is desirable that the public out of doors should be satisfied on the point. I will also avail myself of this opportunity to advert to an observation made by the Right Honourable Gentleman on my putting a question to him, on this subject, on a former occasion. The Right Honourable Gentleman then stated that his predecessor had reduced the amount of Exchequer bills from 29,000,000*l.* to about 20,000,000*l.* It struck me, at the time, that there must be some mistake; and on looking into this matter I found that my suspicions were confirmed, as I only find 8,000,000*l.* accounted for, leaving the balance 21,000,000*l.* This, in my opinion, will be seen to be the real amount of the unfunded debt. I only wish to have the matter elucidated, and I trust that the Right Honourable Gentleman will give me some explanation. I believe that, on the former occasion, the Right Honourable Gentleman referred to a paper in his hand, which gave a statement of the amount outstanding, and issues of Exchequer bills. If the Right Honourable Gentleman agree with what I have now stated, and if it appear in the Returns that the case stands as I have described, the reduction in the unfunded debt will be 8,000,000*l.*, and not 9,000,000*l.*, as has been affirmed. This has been effected by the transfer of 4,000,000*l.* of Exchequer bills to the funded debt, and by the further reduction of the same amount of Exchequer bills. When, therefore, the Right Honourable Gentleman said that the unfunded debt had been reduced to 20,000,000*l.*, he must have referred to the paper which gave the amount at the beginning of last year as 28,000,000*l.* But if we take the additional 1,000,000*l.* into the account, and the reduction that has been made, the unfunded debt will be found to be 21,000,000*l.* This amount of 1,000,000*l.* Government has been authorised by the Act to issue, and I understand that it has been or will be issued for charges incurred.

The CHANCELLOR of the EXCHEQUER.—I trust I shall be able to answer the questions of the Right Honourable Gentleman in a very few moments. The first question of the Right Honourable Gentleman was, whether it is proposed to issue the 1,000,000*l.* of Exchequer bills which was granted last year? My answer to this question is in the affirmative, —that it is our intention to do so. Again, with respect to the second question, which referred to the 4,000,000*l.* in addition, which were spoken of by the Right Honourable Gentleman, I can only reply, that it never was in the contemplation of the Government to issue, under the Act of last year, any amount of Exchequer bills beyond the one million to which I have just alluded, and which we were authorised by Parliament to issue. The Right Honourable Gentleman has therefore conjectured rightly when he assumed that the Government did not intend to do so. With respect to the statement of the amount of Exchequer bills, I gave it accurately on the former occasion,—namely, that on the 5th of January, 1839, it was 29,957,000*l.*, and on the 8th of June, that year, the amount was 20,180,000*l.*; but I did not include in this statement the one million to be issued. This added, will increase the statement of the unfunded debt from 20,000,000*l.* to 21,000,000*l.*

Mr. HERRIES.—I clearly understood, when the amount of Exchequer bills was voted last year, that it would be requisite to issue 25,000,000*l.*; whereas, with the addition which I have alluded to, the whole amount required, was, it seems, 21,000,000*l.* This is an objectionable proceeding, and I trust that care will be adopted to avoid it again.

The CHANCELLOR of the EXCHEQUER.—The Right Honourable Gentleman will recollect that I stated the grounds, on a former night, on which the House was called upon to make the vote which it agreed to; and I confess that the mode in which it was done may have had the appearance of overlapping to a certain extent. I am not, however, aware of any serious inconvenience that can occur from that fact. I will only add that, under the circumstances, it was impossible to take any other course.

Mr. HERRIES.—If the Right Honourable Gentleman will look back to the state of the unfunded debt on former occasions, he will find that care was taken as to this matter when Exchequer bills were voted in the Committee of Ways and Means. If the Right Honourable Gentleman will recur to former transactions, he will readily understand what I have adverted to. This, however, is not a mere objection of form, although it now might be easily rectified; but still it is desirable that there should not be a recurrence of it. If we allow the statement to continue to appear as it does, it will give the votes on the ways and means an unsettled appearance. In the year 1839, I admit, there were some unusual circumstances, which made it unnecessary to look narrowly at the surplus expenditure. On referring, however, to the general appropriation votes, and taking the ways and means on the one hand, and the supplies on the other, there mostly will be found to be a difference in the balance between them to the amount of about 100,000*l.*; but the real difference here is nearly 4,000,000*l.* This is an incongruity which should be avoided for the future.

The CHANCELLOR of the EXCHE-

QUER. — The appearance on the face of the amount may be such as the Right Honourable Gentleman has described; but it will be set perfectly right in the general accounts, and no inconvenience can result from it. There are some overdue Exchequer bills not paid, and there are some sums required under the Appropriation Act. For my own part, I do not see any very serious objection to this alleged discrepancy.

Mr. GOULBURN.—This is not merely an objection of form, but one of substance. Here the House gave authority to the Treasury to issue 25,000,000*l.* of Exchequer bills, and it turns out that only 21,000,000*l.* were required. Thus Government had 4,000,000*l.* more in hand than they had services to pay for. I think it improper that 25,000,000*l.* should have been taken, when a less sum would have answered the purpose.

The CHANCELLOR of the EXCHEQUER.—It was believed that more would be required.

Mr. GOULBURN.—They were wanted, then, to make up any deficiency in the revenue that might occur. On this ground, then, were we to issue 4,000,000*l.* of Exchequer bills? Under circumstances such as these, we might go on increasing the amount of Exchequer bills, which we would be obliged to meet, subsequently, by a loan. If the revenue had proved much shorter than it has done, we must then have issued the whole amount of Exchequer bills that you ask for. I think that it is extremely objectionable that, under the Appropriation Act, you should get an amount of 25,000,000*l.* of Exchequer bills voted, when a much less amount would have answered the purpose. This, I repeat, I think is an objection in substance, and not one merely of form.

The CHANCELLOR of the EXCHEQUER. — No doubt, the amount of Exchequer bills voted in Committee of Ways and Means was greater than it was ever supposed would be required, but the reduction might not have been such as has really occurred.

Mr. GOULBURN. — I still must say that I entertain great objections to the proceeding, and must repeat the grounds of my dissent from the Chancellor of the Exchequer.

The House resumed, and the Report was ordered to be received to-morrow (Thursday).

RAILWAYS.

SIR HESKETH FLEETWOOD. — Sir, I beg to move that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the engineer or engineers who have been appointed, in pursuance of the Address of this House of the 14th day of August last, do, in addition to the Report thereby required to be made, report on the merits of the railway from Preston to Fleetwood, and the harbour of Fleetwood, as regards the means that will be thereby afforded for facilitating the communication by sea between London and the north of Ireland, and the west of Scotland; reference being had to existing railways. I beg to state that the object of my motion is, to take care that the town of Preston should not be excluded from participation in the advantages of this Commission. My wish is, that, the public having incurred great expense by the appointment of this Commission, the Report should be a full and complete, not a garbled, statement of all the facts.

The CHANCELLOR of the EXCHEQUER. — I really do not see that the directions to the Commissioners can be reopened, or their instructions extended. Their duty is to examine into the merits of different proposed lines of railroad, with the view of effecting the most speedy mode of communication between the three capitals. If the motion of the Honourable Baronet were conceded, I do not see how we could refuse the same privilege to every railroad in the kingdom. In my opinion, it would be quite unnecessary, as, in the case of completed railways, the public have ample means of judging for themselves.

Mr. SHAW. — While on this subject, perhaps I may be allowed to ask the Right Honourable the Chancellor of the Exchequer at what time we may expect the Commissioners' Report. I believe it was the intention of those who proposed this Commission, that there should be a survey of the seaports, with reference to the lines of railway already surveyed. I understand that the Nautical Report is ready, but that the Report with respect to the best line of railway is not yet ready. If that be the case, I see no reason why we should not have the Nautical Report laid before us. Unless the necessary information on this subject be laid before us in sufficient time, the Session will pass over without anything useful being done on this subject. I have no preference for one line beyond another; my whole object is, that we should determine on the best possible line between London and Dublin. I will not venture to offer any opinon with respect to the comparative merits of the competing lines; but I think that, as soon as possible, the requisite information ought to be afforded us, to enable us to come to a just conclusion on the subject. No one can deny that a vast improvement has already been effected with respect to the intercourse between London and Dublin; but, notwithstanding all that has been done, I understand that it is still possible to make an additional saving of six or seven hours, — which would be an object of the greatest importance. With respect to the present motion, I quite concur with the Chancellor of the Exchequer, that it would be advisable not to press it at present.

Mr. R. GORDON. — In reply to the observations of the Right Honourable Gentleman, I beg to state that it is not considered desirable that the naval branch of the Report should be presented until the whole Report is ready. The Right Honourable and Learned Gentleman must be aware that the survey embraced two points, — one with respect to which would be the best sea-port, and another with respect to the best line of railway. Now, though there might be no difficulty in deciding what would be the best seaport, still, unless it was practicable to have a good line of railway to that port, it is plain that the object in view could not be effected. For this reason, as the two points are so intimately connected, it is considered more desirable to wait until the joint Report is ready. I am happy, however, to be able to assure the House that I expect this Report will be before them early in March.

SIR H. FLEETWOOD. — In consequence of the suggestions that have been thrown out, I beg to withdraw the motion, but on a distinct understanding with the Chancellor of the Exchequer, that the question shall not be prejudiced by my having consented to do so.

The motion was then, by leave, withdrawn.

RATIONAL RELIGIONISTS.

Petition of members of the branches of the Universal Community Society of Rational Religionists, for inquiry into the principles and practices of that society. — To lie on the table.

Adjourned at seven o'clock.

HOUSE OF LORDS, JOVIS, 13° DIE FEBRUARII, 1840.

APPEALS.

Campbell *v.* Campbell. — Further and fully heard, and interlocutors affirmed, with costs.

Persse *v.* Persse. — In part heard, and adjourned to Monday next.

De Montmorency *v.* Devereux. — To be heard on Monday next.

Carrick *v.* Buchanan. — The respondent ordered peremptorily to answer in a week.

Todd *v.* Dunlop; Malone *v.* Malone. — Leave for recognisances to be entered into for the appellants.

Sir W. F. Eliott *v.* Cleghorn (second appeal). — Petition of appellant for leave to withdraw appeal without payment of costs. — Read, and referred to the Appeal Committee.

FIERS' NATURALISATION BILL.

Certificate read; petitioner took the oaths; Bill read a second time, and committed for to-morrow.

SWAIN'S NATURALISATION BILL.

Reported, without amendment; and Bill to be ingrossed.

FEE FUND OF THE HOUSE OF LORDS.

The LORD CHANCELLOR acquainted the House that the Clerk Assistant had laid on the table the annual account thereof; and the same was ordered to be referred to a Committee.

RAILWAYS.

Petition of James Ward, of Falcon Place, Falcon Square, for inquiry into various plans of his own invention, stated by him to be calculated to prevent accidents on railways. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

Petition of heritors, minister, elders, and others of Rayne, objecting to the power exercised by the General Assembly, in refusing to allow presentees to officiate without the sanction of the majority of the congregation, and praying for the adoption of some measure to settle the question in dispute.

The EARL of ABERDEEN presented petitions in favour of the principle of non-intrusion,—of the minister and elders and parishioners of Meldrum: of the Reverend the Presbytery of Tain: of the congregation and inhabitants of the Quoad Sacra Parish of Houndwood: and of inhabitants of the landward part of the Parish of Rothesay; Trumisgarry; Rosskeen; and Uig. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (COLONIES).

The BISHOP of LONDON presented a petition for the protection of, — of the minister, churchwardens, and others of Ashby de la Zouch. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The BISHOP of LONDON presented petitions against any further grant of money for the support of, — of inhabitants of Elland cum Greetland; and of members of the Shepton Mallet Church of England Lay Society. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH.

LORD KENYON and the BISHOP of LONDON presented petitions praying for further church accommodation, — of clergy of the Deanery of Gloucester: of members of the Windsor and Eton Church

Union Society: of inhabitants of Egham; Henlow; Knaresborough; Leckhampton; Badgeworth; Charlton, Kings; and Upton St. Leonard's: and of members of the Shepton Mallet Church of England Lay Society. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The Earl of Aberdeen presented a petition, praying for further church accommodation,—of inhabitants of Kirkpatrick, Durham. — Read, and ordered to lie on the table.

SABBATH.

The Bishop of London presented petitions for the better observance of, — of the clergy, churchwardens, and others, of Saint Paul, Covent Garden: and of the Reverend the Presbytery of Tain. —Read, and ordered to lie on the table.

SOCIALISM.

The Bishop of Exeter presented a petition complaining of the alarming progress of the system, and praying for the adoption of measures for the protection of morality and religion, — of Joseph Kinder and John Sorrell, of London Street, Fenchurch Street, London Solicitors; and Daniel Edward Stephens, of Chingford, Essex, gentleman. — Read, and ordered to lie on the table.

On presenting this petition, —

The BISHOP of EXETER said: — I would join most cordially in the prayer of the petition, but that I consider the existing laws, if properly administered, will be sufficient to put down the evil complained of, and to protect the morals of the people. And as I have no doubt, after what fell from the Noble Marquess at the head of the Home Department on a former occasion, that those laws will be rigidly enforced, I do not conceive that any new legislative measure is necessary, and I cannot therefore concur in the prayer of these petitioners.

I now, my Lords, give notice of my intention to ask a question of the Noble Viscount at the head of Her Majesty's Government, on Monday next. I should give notice for to-morrow, but that the question which is then to be brought forward is one that I hope no discordant feelings will be allowed to intrude upon. I, for one, should be the last man in the world to do or say anything that could, in the remotest degree, tend to give rise to such feelings; but, on Monday next, I will put a question to the Noble Viscount, respecting a letter which was addressed to that Noble Lord in July last, by the Rev. Andrew Irvine, minister of the parish of St. Margaret's, Leicester, respecting the extension of the principles of Socialism in that great parish.

PRISONS ACT AMENDMENT BILL.

The MARQUESS of NORMANBY. — I rise to move the second reading of the Prisons Act Amendment Bill. The sole object of the Bill, to which I anticipate no objection, is, to enable visiting justices, with the approval of the Secretary of State, to relax some of those prison regulations which, it is found, have operated too stringently with regard to debtors, who are confined in the same prisons with criminals.

The DUKE of RICHMOND. — This is a very necessary and useful Bill, and I sincerely hope it may be carried. But I would suggest that, giving this power to visiting justices alone, is rather a new principle. Heretofore those regulations have been left to the magistrates of the county at large. I do not mean to propose any amendment on the subject, but merely to call attention to it. I think it would give generally more satisfaction if the rules and regulations were to be made by the magistrates in quarter sessions assembled, when the ratepayers would hear the matter discussed, and the reasons for adopting whatever course might be decided upon. I believe there are not men in the country who perform their duty better, or more conscientiously, than the magistrates. I only throw out this suggestion as a matter of principle, in order that we may not establish a new precedent without any necessity for doing so. It appears to me, also, that the Noble Marquess has now an opportunity of attending to the remark I ventured to make the other day, as to the propriety of exempting gaolers' houses and workhouses from the payment of Queen's taxes and parochial rates. It is true, that the clauses for that object cannot be originated in this House, but they can be introduced in another place.

The MARQUESS of NORMANBY. — I have already given instructions for the introduction of a Bill upon the subject.

With regard to the other suggestions of the Noble Duke, I have only to observe, that this Bill is merely to allow the visiting justices to apply such portions of those rules and regulations to debtors as they may conceive necessary, for the discipline of the prison; by which course I think a more immediate and effectual remedy can be applied to any evil that may arise.

Read a second time (according to order), and committed to a Committee of the whole House to-morrow.

RAILROADS.—SUPPLY OF PURE WATER FOR THE METROPOLIS.

The MARQUESS of WESTMINSTER.—I rise, pursuant to the notice I gave on a former evening, and also pursuant to a notice I gave at the latter end of last Session, to bring before your Lordships a question with regard to railroads, and the better supplying of the metropolis with water. Your Lordships may think it extraordinary that I should couple the two questions together; but I think, before I sit down, I shall be able to prove that my proposal to bring both these subjects before a Select Committee,—which I shall conclude by moving for,—is by no means inconsistent. My proposition has nothing to do with the general system of railroads; but it is my intention, in the first instance, to have the attention of the Committee directed to the very great danger which attends the present state of railroads. When we consider the immense heights of the banks over which the railways run, and the comparatively slight manner in which those banks are constructed, your Lordships must be aware that if any railway carriage should by accident run off of the trams, the consequences must be of the most appalling description. I think, therefore, that if by having recourse to the advice of eminent engineers, after a full examination into this important subject, means can possibly be devised by which this danger may be averted, it is an object most desirable to be attained. With this view, I intend to propose that the question shall be referred to a Select Committee, by whose labours, I think, a most important service may be rendered to the country. Fortunately, hitherto, no serious accident of the description I have mentioned has occurred; for, whenever the carriages have been driven off the rails, the thing has happened on low grounds, where the roads were level with the lands on either side. I have conversed with some very intelligent engineers on this question, and many of them think it is practicable to adopt a system by which accidents of the nature I apprehend may be prevented. That, however, will form a subject of inquiry before a Committee. Having thus briefly stated my object, with regard to railroads, I will now address myself to the other branch of my motion,—namely, the appointment of a Committee to inquire into the means of obtaining an ample supply of pure water to the inhabitants of the metropolis. Ever since I have turned my attention to both these subjects, I have had my mind made up not to take any share in, or to have anything to do with, the direction of either railway companies or water companies, because I wish to stand entirely aloof from all suspicion of interest, bias, or prejudice, in the views I may entertain respecting them; and if your Lordships will agree to the appointment of a Committee, I shall endeavour to select such Noble Lords to act upon it as may stand in a similar situation to myself in that respect,—my wish being, that the Committee should be formed entirely of persons having no interest whatever in these companies. The question respecting the supply of pure water for the metropolis is, undoubtedly, one of much greater importance—affecting, as it does, the health and lives of the inhabitants—than that relating to railways. It is a subject, also, which has already engaged the attention of both Houses of Parliament; but, notwithstanding that an inquiry before a Select Committee of the House of Commons has taken place, and a Report been made thereon, still, nothing satisfactory has been done in pursuance of that inquiry. Your Lordships are aware that the great object is to obtain a sufficient supply of pure water. Although a sufficient supply might be obtained from the River Thames, yet, magnificent as that river in itself is, it is hardly possible to obtain pure water from it, owing to the number of filthy drains which flow into it from all parts in the vicinity of London. Many attempts have been made by the great monopolies—which the water companies really are—to obviate this grievous evil. The Chelsea Water Company have formed a large filtering bed, composed of sand, which, to a certain extent, has, I believe, been successful; but I am afraid it has not succeeded altogether. The Grand Junction Company were at first so situated that it was impossible for them to obtain water in a state of purity, having introduced their "dolphin" near one of the most offensive drains that could possibly be found. Whatever efforts, therefore, that company may make, it must be obvious that so long as that drain exists in the vicinity of their works, no pure water can be supplied by them from that immediate part of the river. When this subject was discussed before a Committee, on a former occasion, this company undertook to make a very large expenditure, to the extent, I believe, of 100,000*l.*, with a view to remove the objection then urged, by carrying pipes up the river as far as Kew, and obtaining a supply of purer water there; and in this attempt they have, I believe, succeeded to a certain extent. Another company — called the Grand Junction and West Middlesex Company—have adopted a similar plan, which has likewise, to a certain degree, succeeded. But it is impossible to suppose, even after all the money that has been thus expended, or after all the pains taken by the use of powerful machinery for throwing up the water to some hundred feet in height, that anything like pure and wholesome water can be obtained within such a distance of London, from a stream like the Thames, into which hundreds of the most offensive drains are constantly pouring their pernicious contents. If, then, any means can be devised by which a purer description of water may be obtained, your Lordships must feel that, for the sake of the health and happiness of the metropolis, it is most desirable that those means should be ascertained and adopted. To what, then, have your Lordships to look for a supply of pure water? To nothing but the springs that surround this great metropolis. There are many springs within the circuit of ten or twelve miles, and particularly one on the north side of the metropolis, from which there is a very great fall, and from which a supply of pure water may be had. Undoubtedly, if a supply of pure water could be obtained within the metropolis itself, it would be all that your Lordships or the inhabitants could require. And I am aware that, some year or two ago, a company was formed for the purpose of furnishing water from springs under the metropolis itself, by sinking what are termed "Artesian wells;" and if all which that company professed to accomplish could be verified, it would completely answer every purpose that could be desired. But I very much fear that the plan was impracticable.

Another company — I am not sure of the name, but I believe it is called the London and Westminster Water Company — have also put forth a prospectus for doing what would undoubtedly prove a great blessing to the metropolis — bringing not only pure water, but an ample supply of it, to the inhabitants. This company state that they have taken a piece of land, between two and three miles in extent one way, and a mile and a half the other, at a place called Bushy Heath, near Watford, and within ten or twelve miles of London, where, by boring, water of a very fine and pure description may be raised to within eighteen feet of the surface. This land, they state, is upwards of 160 feet above the level of the city of London, and, consequently, the water would flow without any sort of machinery being employed. Thus the great expense which is now incurred by the existing companies would be avoided. The water I have tasted, and it is, certainly, of a very excellent quality. I understand that it is raised through a soil composed of light sand and gravel; that the springs are very near chalk hills, and that the quantity that can be supplied would be sufficient to meet all the wants of the metropolis. For the supply of water thus obtained at Watford, a reservoir is to be formed at the Eyre Arms, in the neighbourhood of St. John's Wood — a place, no doubt, well known to your Lordships, since it is the spot which was selected for the principal rehearsals of the splendid "passage of arms," afterwards celebrated with so much magnificence, and so gallant a display of modern chivalry, at Eglintoun. The distribution thence to every part of the metropolis would be attended with little difficulty and little expense. It is true that, if any plan could be adopted for cutting off the sewers which now empty themselves into the Thames, the supply of water from the river might be considered pure enough to meet the wants of the inhabitants; but I apprehend that that, even if it could be done at all, could be accomplished only at a vast expense. Upon the whole it appears to me that the only chance of obtaining a wholesome and proper supply of water is from some of the springs which take their rise to the northward of the metropolis. I now conclude, my Lords, by moving that a Select Committee be appointed to take into consideration the present state of railroads, in regard especially to the means of security against unforeseen dangers; also, to take into consideration the present supply of water to the metropolis.

The MARQUESS of LANSDOWNE. — Understanding that the Noble Marquess does not intend to pledge himself or the House to any remedial measures that may be suggested, either with regard to the dangers of railway travelling, or to the inconveniences resulting from the nature of the supply of water to the metropolis, I am of opinion that, if the inquiry now proposed be not attended with any positive advantage,— of which, I own, I do not see any very great probability, — it certainly cannot be accompanied by any possible disadvantage; and, for that reason, I shall not feel it necessary to oppose it. Unquestionably, everybody must feel that the more the system of railways is extended, the greater should be the care of the Legislature to adopt every means in its power of preventing a recurrence of those accidents by which human life may be placed in danger. The question of the supply of water to the metropolis is an extremely difficult one, but one, from its importance, well worthy the attention of the Legislature. It would, perhaps, be more for the convenience of the House, if the consideration of the two subjects were separated.

The EARL of ABERDEEN. — I confess I looked with some degree of curiosity at the notice of the Noble Marquess, which connects two objects in themselves so different, and between which I certainly must say the Noble Marquess has not shown the slightest connection. In addition to that, I do not think the Noble Lord,— as far, at least, as the first part of his motion goes — has given sufficient reason for instituting an inquiry on the subject; an inquiry, too, which I confess appears to me one of great difficulty, seeing that it is an inquiry into the means of security from dangers which are unforeseen. I am not aware of any danger existing, or of any accidents occurring, to such a degree as to call for this sort of inquiry. The fact is quite the reverse. The Noble Marquess has, himself, admitted that no accidents of the kind that he contemplates have as yet occurred. With what advantage, then, can your Lordships enter upon an inquiry as to the probable means of meeting a probable evil? I apprehend that the only result of our embarking upon such an inquiry will be, to excite a groundless alarm in the public mind as to the security of this particular mode of conveyance. To the second part of the inquiry proposed by the Noble Marquess, — namely, the supply of water to the metropolis, — I shall not offer any objection, feeling that that is one of great interest and importance; but, at the same time, I cannot help observing that the Noble Marquess has stated nothing very definite in support of his proposition even upon that point. A great deal of valuable information has already been collected by Committees of both Houses of Parliament on the subject, and we can scarcely expect that another Committee will elicit much new information, or lead to any very practical result. I however do not object to the inquiry upon that part of the Noble Lord's motion.

The MARQUESS of WESTMINSTER.—With regard to railways, my object is, to ascertain whether it may not be possible to introduce some kind of machinery to prevent the possibility of such accidents as I dread upon high embankments, — occurring. I do not think we should wait until accidents actually happen, which it is evident may happen, before we devise means of security against their occurrence.

The EARL of ABERDEEN.—I would ask your Lordships whether the entering into speculations for making machinery to meet dangers that have not occurred is a usual mode of inquiry? These dangers may be possible, but they have not happened. If the Noble Lord had stated that he had a petition to present from some persons, alleging that they had invented a new kind of machinery which would guard against any contemplated danger, there would be some ground for inquiry; but the Noble Lord has only said that machinery may be made which may meet dangers that may occur. I have never heard a proposition advanced upon less practical grounds.

The EARL of ESSEX. — I beg to observe, with regard to what has fallen from the Noble Marquess respecting springs, that it is well known, if the supply be taken from a particular spot by means of Artesian wells, that it will be very liable to dry up all the immediate springs in the neighbourhood. I happen to live near Watford, and I know that the people in the immediate neighbourhood are alarmed at the idea of a supply being drawn from the springs of that district.

The MARQUESS of WESTMINSTER. — The proposed water supply from Watford is not to be obtained through the medium of Artesian wells.

The EARL of HADDINGTON. — I hope the Noble Marquess will consent to divide his motion; — to appoint a Committee to consider of the supply of water, and to leave the subject of railways alone till some specific plan can be suggested for guarding against the accidents to which the Noble Marquess has referred.

The DUKE of RICHMOND.—I also hope that the Noble Marquess will withdraw that part of his motion which relates to railways. If a Committee were granted on that subject, considerable alarm might be caused to persons having their money vested in railroads, and an opportunity given to every schemer to bring forward some new plan of machinery; which your Lordships, not being engineers, would know nothing about, and could give no opinion upon. Inquiry upon that head, therefore, cannot possibly be attended by any good, whilst it would certainly have the effect of putting the country to a very great expense. If it were possible to invent a machine to prevent accidents upon railways, the parties interested—the engineers, directors, and others, whose attention is constantly directed to the subject—would be much more likely to discover it than a Committee of your Lordships' House.

LORD REDESDALE.—I think there is also some objection to the second part of the Noble Marquess's motion; because, from the way in which the Noble Marquess has put it, it would appear that the object of the motion is, to allow certain companies to put forward their plans at the expense of the public. This would be attended by a double injustice. Suppose, for instance, that your Lordships' Committee should report in favour of the supply of water from Watford, and a Bill were to be introduced for that purpose, would you not thereby place the inhabitants of Watford under a very great difficulty, if it should be their interest to oppose such a measure?

LORD ASHBURTON.—It is certainly ridiculous to join in one motion questions so widely differing as railroads and a supply of water, and between which the Noble Marquess has not attempted to show the least connection. If your Lordships are disposed to grant a Committee on the question of supplying the metropolis with water, I only hope that no particular experiment will be sanctioned until we shall have an opportunity of giving our attention to the subject generally.

The MARQUESS of WESTMINSTER.—I will not attempt, against the general wish of the House, to press the first part of my motion. I must, however, observe, that accidents, and serious ones, have occurred from railway trains getting off the line. The accidents of which I spoke, as not having occurred, are accidents which may arise in the same way, but (as in the case of high embankments unprotected at either side) which would necessarily be attended with more appalling results. As it is the wish of your Lordships, however, I shall limit my motion to this, "That a Select Committee be appointed to take into consideration the present supply of water to the metropolis."

Motion put, and agreed to.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were respectively presented; read a first time, and ordered to be read a second time.

Llangerniew Inclosure Bill, — "For inclosing Lands in the Parish of Llangerniew, in the County of Denbigh."

Manchester and Salford Junction Canal Bill, — "To enable the Manchester and Salford Junction Canal Company to raise a further Sum of Money, and to alter, amend, and enlarge some of the Powers and Provisions of the Act relating to the said Canal."

Hereford Improvement Act Amendment Bill, — "To amend and render more effectual, so far as relates to the Lord Scudamore's Charity Moneys, the Provisions of an Act passed in the fourteenth Year of the Reign of His Majesty King George the Third, for improving the City of Hereford, and for other Purposes connected with the said City."

Torquay and Dartmouth Roads Bill,— "For more effectually repairing and improving certain Roads near Torquay, Paignton, Brixham, Kingswear, Newton Abbot, and Shaldon, and for making certain new Roads connected therewith, all in the County of Devon."

In the following cases, petitions for Bills were reported, and Bills ordered to be brought in.

Dronfield Inclosure, — By Mr. WILLIAM EVANS and Mr. GEORGE CAVENDISH.

Tweeddale Patent Drain Tile and Brick Company, — By Mr. COMPTON and Mr. HAYTER.

Maiden Newton Roads, — By Mr. STRANGWAYS and Mr. ROBERT GORDON.

Calton of Glasgow Police, — By Mr. OSWALD and Mr. DENNISTOUN.

Macclesfield and Congleton Road, — By Mr. TATTON EGERTON and Mr. EDWARD JOHN STANLEY.

Workington Harbour, — By LORD VISCOUNT LOWTHER and COLONEL LOWTHER.

Dewsbury Gas, — By Mr. BAINES and Mr. LASCELLES.

Workington Improvewent, — By LORD VISCOUNT LOWTHER and COLONEL LOWTHER.

Liverpool East India Warehouse Company, — By LORD VISCOUNT SANDON and Mr. CRESSWELL.

Edinburgh Poor and Local Taxes, — By Mr. ATTORNEY GENERAL and Mr. MACAULAY.

Nairnshire Roads, — By COLONEL GRANT and Mr. FRANCIS GRANT.

Marine Insurance Company, — By Mr. ALDERMAN HUMPHERY and Mr. GRIMSDITCH.

Birmingham and Derby Junction Railway and Tamworth Approach. — Petition for Bill reported, and Bill ordered to be brought in by Mr. DUGDALE and Mr. SCHOLEFIELD.

Clyde Navigation. — Petitions complaining of non-compliance with the Standing Orders, — from John Bartholomew and Company, Hugh Cogan, and Robert Bartholomew; manufacturers of iron in and near Glasgow; Henry Monteith and Company; and Company of Proprietors of the Glasgow Waterworks. — Referred to the Select Committee on Petitions for Private Bills.

Upper Hayford Inclosure (No. 1.). — Petition of John Lechmere, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

River Weaver Tolls. — Petition of the President of the American Chamber of Commerce of Liverpool, for inquiry.—To lie on the table.

Wexford Harbour and Embankment.— Petitions complaining of non-compliance with the Standing Orders, — from Nicholas Aylward Vigors, Esq.; and James Kibblewhite, Esq.—Referred to the Select Committee on Petitions for Private Bills.

PRIVATE BUSINESS.

On the motion of Sir G. Grey, Report from Select Committee on Private Business (7th February) read:—

Resolved, That no Private Bill (except Divorce, Name, Naturalisation, and Estate Bills, not relating to Crown, Church, corporation, or charity property held in trust for public uses) be read a second time until six clear days after a breviate thereof shall have been laid on the table of this House, and have been printed.

Resolved, That a breviate of the amendments made in every Committee on a Bill be laid upon the table of this House, at least the day previous to that upon which the Report from the Committee shall be made, except when the Report upon the Bill may be required to lie upon the table; in which case the breviate shall be laid upon the table at least the day previous to that upon which the Report shall be taken into consideration.

Question proposed, That no petitioners against any Private Bill shall be heard before the Committee on the Bill, unless the petition shall have been presented to this House three clear days before the day appointed for the first meeting of such Committee, unless the petitioners shall complain of any matter which may have arisen during the progress of the Bill before the said Committee.

LORD GRANVILLE SOMERSET.—The House ought to use its own discretion as to any exception from this rule that may arise. If that be understood, I have no objection to this resolution.

SIR G. GREY.—It is quite clear that the House ought to exercise such a discretion, and in any case which ought to form an exception to the rule, the appeal to the House will be still open to the parties.

Resolution agreed to.

Ordered, That the said Resolutions be Standing Orders of this House.

On the motion of Sir G. Grey, Standing Order No. 5. read, and repealed.

Resolved, That a Committee, consisting of forty-two Members (not being members of the Select Committee on Standing Orders), of whom five shall be a quorum in opposed cases, and three a quorum in unopposed cases, be appointed at the commencement of every Session, to which shall be referred all petitions for Private Bills; and such Committee shall be denominated "The Select Committee on Petitions for Private Bills."

Ordered, That the said Resolution be a Standing Order of this House.

PUBLIC BUSINESS.

RETURNS, &c.

Metropolitan Police.—Annual Account presented (by Act).

Horse Patrol.—Annual Account presented (by Act).

Writs of Error.—Further Return presented—of the number of writs of error brought into the Court of Queen's Bench for the last ten years (ordered 27th January).—To lie on the table.

Education (Ireland).—On the motion of Mr. Serjeant Jackson, Copies ordered—

Of any applications made by clergymen of the synod of Ulster to the Board of Education in Ireland for aid to schools connected with the synod, since the recent conference between the deputation from the synod and the board, in presence of the Lord Lieutenant of Ireland; and of any answers returned to such applications, or of any minutes made or resolutions entered into by the board in relation thereto.

Public Bills (Scotland).—On the motion of Mr. Colquhoun, Return ordered—

Of the number of such Bills relating to Scotland as have been introduced into Parliament by the law officers of the Crown during the years 1835, 1836, 1837, and 1838; distinguishing those which have passed into law, and also those which passed through this House; and stating the expense attending the preparation and further prosecution of such Bills into or through Parliament, with the names of the persons to whom such expenses have been paid, with the amounts paid to each, and the authority by which, and the funds out of which, such payments have been made.

Quarter Sessions.—On the motion of Mr. Barneby, Address for Returns

Of all the recorders appointed to preside at the quarter sessions in each city or borough in England and Wales, stating their names, dates of appointment, and amount of salaries.

Of the days on which each of the quarter sessions have been holden in the said cities or boroughs, in the years 1837, 1838, 1839, and in the month of January, 1840; the number of days during which the court have been occupied at each quarter session; stating whether the court has been adjourned, and, if adjourned, the cause of such adjournment.

PARLIAMENTARY BURGHS (SCOTLAND).

Bill, "to provide for the better Regulation of Municipal Corporations in Parliamentary Burghs not Royal Burghs in Scotland," presented by the LORD ADVOCATE, and read a first time; to be read a second time on Thursday, 27th February, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table: —

Church of England, — By Mr. BARNEBY, Mr. ALDERMAN COPELAND, COLONEL WOOD, Mr. WHITMORE, LORD EASTNOR, Mr. S. HERBERT, Mr. R. PALMER, SIR R. INGLIS, and LORD VISCOUNT SANDON, for extension, — from Broom; Askerswell; Loders; Wotton Fitzpaine; Ashburton; Okehampton; Sturminster Newton Castle; West Chelborough; Fifehead Magdalen; Sandford Orcas; Marldon; Boxgrove; Shellingston; Worfield; Higham on the Hill; Pangbourne; Swallowfield; Stoke upon Trent; Oldbury; Rowde; Edington; Hales Owen; Marston Sicca; East Coulston; Shipton Moyne; Beeching Stoke; Beard; Llanelly; Hay; Crickhowell; Abthorpe; and Keysoe.

Church Rates, — By Mr. V. SMITH, for abolition, and for the release of John Thorogood, — from Manchester (nine petitions); and Northampton.

Elective Franchise and Municipal Corporations (Ireland), — By Mr. PIGOTT, Mr. O'CONNELL, and Mr. W. S. O'BRIEN, for extension and reform, — from Freshford and Three Castles; Eirke, Furtagh, and Glashare; Dromore and Garvaghy; Tyholland; Donoughmore; Glenade; Drumragh; Killenkere; Tyrella and Drumaroad; Rathconrath and Kilmacnevin; Aughabog; Monterconnaught; Castlerahan; Croagh; Tulleroan; and Clonmel.

Flour Importation (Ireland) Bill, — By COLONEL BUTLER, — from Kilkenny, against.

Church Patronage (Scotland), — By SIR W. RAE, SIR G. SINCLAIR, Mr. MACAULAY, Mr. COLQUHOUN, and Mr. FOX MAULE, for alteration of law, — from Kinclaven; Tenandry; Ruthwell; Kirkmichael; Wick; Thurso; Tillicoultry; Lawers; Rothesay; Roderick Macfarquhar; Kingarth; Tweedsmuir; Arrochar; Rosskeen; Greenock Presbytery (moderator); Annan Presbytery (moderator and clerk); Trumisgarry; Dryfesdale; Latheron; Kinfauns; and Inverness (two petitions).

Corn Laws, — By Mr. C. VILLIERS, for repeal, — from Lancaster; and Aberagie.

Newport Riots, — By Mr. T. DUNCOMBE and Mr. HUME, for a free pardon to Frost, Williams, and Jones, — from Banbury; Edward William Twelves; and James Anderson and others.

Workhouses, — By Mr. R. PALMER, — from Abingdon union, for exemption from parochial and local taxes.

Maynooth College, against further grant, — from Long Ashton; and Saint Mary Aldermary, London.

Printed Papers, — By Mr. ERLE, — from Oxford (two petitions), for liberation of the sheriff of Middlesex.

Designs Copyright Bill, — By LORD VISCOUNT SANDON, — from Liverpool, in favour.

Municipal Corporations (Ireland) Bill, — By Mr. PIGOT, — from Clonmel, in favour.

POSTAGE.

Mr. WALLACE. — I hold in my hand a petition from the inhabitants of the parish of Bowden, in Roxburghshire, complaining that they have not a post office in their district, and that they experience very great inconvenience in consequence. The petitioners have made application to the authorities of the Post Office, and even offered to pay the salary of the postmaster, and to guarantee a revenue that shall cover any expenses that may be incurred; and notwithstanding this very liberal offer, no office has yet been established in their district. I will now move that this petition be printed with the Votes, and give notice that I shall, on the 27th of this month, bring the subject under the notice of the House.

Upon the question being put, — "That this petition be printed with the Votes," —

SIR G. SINCLAIR said: — I must object to the printing of this petition. I think the better course would be, to refer it to the Post Office.

Mr. WALLACE. — Sir, I am not sorry that this objection has been made. Already, Honourable Members are debarred from speaking on petitions; and now, when it is proposed that the petitions of the people shall be printed, in order to found a discussion upon them, up starts the Honourable Baronet and objects to it. If the suggestion of the Honourable Baronet should be acceded to, there would be more complaints than there are at present respecting the mode in which the House deals with petitions. I should not be sorry if my motion were lost upon a division, for it would show an anxious desire on the part of the Honourable Gentlemen on the Opposition benches to prevent the wishes of the people from being known in this House. I shall certainly divide the House upon my motion.

Mr. F. SHAW. — The speech which the Honourable Member for Greenock has just made is the very best reason that could be given for not printing such a petition. The Honourable Member does not deny that his object is to evade the order of the House, that no petition shall be printed unless there is a motion to be founded upon it. But the Honourable Gentleman has admitted that his object in getting this petition printed, is not to found a motion, but merely to create a discussion upon it. The Honourable Member has charged Honourable Gentlemen sitting on this side of the House with entertaining a wish to prevent the petitions of the people from receiving due attention. That charge is wholly unfounded. I and my Honourable Friends are, at least, as anxious that the prayer of the people should be heard in this House as the Honourable Member himself can be; but we are also anxious that the rules and orders of the House should be complied with.

Mr. WALLACE. — It is my intention to found a motion on the petition; but I thought I could not give notice until after five o'clock. I have in my hand the terms of the motion I intend to move. I will read it, now, if there be no objection; but if, as I believe the case to be, the rule is to give notice after five o'clock, I will do so then.

The SPEAKER. — After five o'clock.

SIR G. SINCLAIR. — I shall not take the sense of the House on my objection; but, if a petition like this is to be printed with the Votes, I think every other petition ought also to be printed with them.

The motion was then agreed to, and the petition ordered to lie on the table, and to be printed.

CHURCH EXTENSION.

LORD VISCOUNT SANDON. — I wish to suggest to my Honourable Friend the Member for Oxford University the expediency of postponing his motion upon the subject of church extension, which stands on the paper for Tuesday next, till a future day.

SIR ROBERT INGLIS. — My Noble Friend is not the only one who has requested me to postpone my motion. I feel, therefore, reluctantly compelled to yield to many very urgent solicitations from the friends of the course which I advocate, and I shall defer bringing forward the subject until after Easter.

REGISTRY OF VOTERS (IRELAND).

Mr. SERJEANT JACKSON. — I beg to give notice that on Tuesday, the 18th of February, I shall move for a "Return of the number of freemen or burgesses in each of the boroughs in Ireland entitled to vote in the election of Members to serve in Parliament for such boroughs, having obtained certificates of registry."

CORN LAWS.

Mr. PRYME. — I beg to postpone my motion relating to the Corn Duties Bill, until the Honourable Member for Wolverhampton shall bring forward his motion on the Corn Laws. I will therefore defer the motion till Thursday, the 20th February.

COURT OF COMMON PLEAS.

Mr. EWART. — I will take this opportunity to state, that I intend, on the 27th instant, to move for a copy of the warrant of His late Majesty William IV., for opening the Court of Common Pleas to the bar generally; also, for a copy of the late order of the judges for again closing the court; and, a return of the number of causes that have been heard since the order came into operation.

RELATIONS WITH CHINA.—BANKING.

MR. HUME.—When the House shall, on Friday, 21st February, go into Committee of Supply, it is my intention to move for the production of papers respecting our relations with China. I shall also take that opportunity to ask the Chancellor of the Exchequer, whether he intends to introduce any measure for the regulation of the banking system?

MR. WALLACE.—I presume, Sir, I may now give notice that on Thursday, the 27th of February, I shall move that it is the duty of the Postmaster General to afford all reasonable facilities and accommodation to communities who have not a post office or a post at present, especially to such as have a desire to send their letters openly and legally, and who shall apply to the Postmaster General for the usual means of doing so:—that the case of more than one thousand inhabitants in the parish of Bowden, in the county of Roxburgh, as represented in their petition to this House, is one of great hardship, and directly in point; therefore, that the prayer of the petitioners should be granted, by the Postmaster General affording to them similar post office accommodation to that enjoyed by their neighhours in the adjoining parishes.

PRIVILEGE.

SIR E. SUGDEN.—Sir, I rise to ask the Noble Lord opposite a question respecting the sheriff who is now suffering imprisonment. The House, on the 21st of January, resolved that the sheriffs be ordered to refund the 640*l.* levied by the sale of the goods of Messrs. Hansard. One of these officers has since been released in consequence of illness. Now, I wish to know whether it is the Noble Lord's intention to keep the other gentleman in custody for the whole Session for the whole amount, as the sum was directed by the House to be levied from the two sheriffs, not one only?

LORD J. RUSSELL.—As I understand, there is but one sheriff for Middlesex, and two for London, the House committed two persons who performed the office of sheriff of Middlesex, giving them that designation. They have since ordered that one of the sheriffs should be released, on a statement being made to them that further confinement would endanger his life. I do not conceive, then, that under such circumstances, the resolution of the House is at all altered, and I still think that those persons are bound by it.

SIR E. SUGDEN.—The Noble Lord has done me the honour to place my name on the Committee on Printed Papers. I must now beg that he will place some other Honourable Gentleman on that Committee in my room, as it is not my intention to attend.

TRADE TO CHINA.

MR. G. PALMER.—Yesterday I put a question to the Right Honourable Gentleman the President of the Board of Trade, regarding the Chinese trade, which the Right Honourable Gentleman said he would answer this day. When I put that question I was not aware that any fresh accounts had been received from China. I presume that those accounts, if authentic, will prevent the Right Honourable Gentleman from giving me any answer. I beg leave, therefore, only to put the new question, whether those accounts are true or not? I shall, however, be glad, if the Right Honourable Gentleman can give me any information that may be of use to merchants engaged in the trade.

MR. LABOUCHERE.—The question which the Right Honourable Member put yesterday, was one to which I can have no difficulty in giving an answer. That question was, as I understood it, whether clearances would be granted at the Custom-house to ships going to China. My answer is, that no directions have been given to the Commissioners of the Customs to refuse clearances to ships proceeding to the coast of China. But I cannot give that answer without at the same time saying, on the part of the Government, that, in granting those clearances, it must be distinctly understood, that they do not assume any responsibility, or express any opinion, as to what occurrences may take place, or what regulations may be made by the Chinese Government by the time those ships shall arrive out, or what state of things they may find prevailing on getting out.

MR. G. PALMER.—I wish to know whether, on their arrival, any obstacles will be opposed to their entering the Chinese ports?

MR. LABOUCHERE.—Undoubtedly

the Commissioner has felt it to be his duty not to stop the trade, but to prevent, as far as he has been able, British subjects from placing themselves and their property in the power of the Chinese Government; but it is impossible to say what alterations in the existing relations may have taken place before the arrival of those vessels. I have already said that clearances will be given to ships about proceeding to China; but it must not be supposed that the Government are incurring any responsibility by giving them.

Mr. HUME.—It appears to me to be absolutely necessary for the protection of British property, that the merchants should be informed what is the true nature of the instructions sent out, by which the trade may be affected.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Mr. SHAW.—I hope the Noble Lord does not mean to take the Committee on the Irish Municipal Corporations Bill on Monday next. That Bill has only this day been placed in the hands of Honourable Members, and it contains not less than 119 clauses.

LORD J. RUSSELL.—No one can think it unreasonable to proceed with the second reading to-morrow, as the principle of the Bill has repeatedly received the sanction of Parliament; but I shall not object to postpone the Committee till Monday se'nnight, or even a more distant day.

COMMERCIAL TREATY WITH FRANCE.

Mr. T. PARKER.—I wish to put a question to the Government respecting the Commercial Treaty with France, as to which negotiations are now pending. It is stated that Mr. Porter, one of the Commissioners engaged in the negotiations, has returned to this country; and I find that it has been asserted by one of the French journals, that the conferences are at an end; and that it is determined that this country shall make large concessions. I beg to know whether it is true that Mr. Porter has returned, and that a treaty has been concluded, or is about to be concluded, between the two countries; and, finally, in how short a time the President of the Board of Trade will be able to lay the treaty before the House?

Mr. LABOUCHERE.—I consider that I should not be doing my duty if I entered into any premature explanation on the subject of an unfinished negotiation. Such a course would be wrong, because it would be unfair to the foreign Government with which we are negotiating. I shall, therefore, neither deny nor confirm any of the statements which the Honourable Member has mentioned as having been made. All I can say is, that the Government of this country is now, and has been for some time, engaged in negotiating a treaty with the French Government; that the British Government is sincerely desirous of promoting commercial intercourse between the two countries on fair and equitable terms; that the treaty is not yet concluded; but that when it shall be, there will be no delay in giving the necessary explanations on the subject.

PRIVILEGE—PRINTED PAPERS.

LORD JOHN RUSSELL.—I beg to present a petition from the Messrs. Hansard, stating that they have been served with a notice of a writ of inquiry of damages in the further suit commenced against them by John Joseph Stockdale, and praying the instructions of the House. I move that this petition be read.

Petition read accordingly, as follows:—

The humble petition of James Hansard, Luke Graves Hansard, and Luke James Hansard, printers to this Honourable House,

Showeth,—That your petitioners were yesterday afternoon served with notice of a writ of inquiry of damages, in the further suit commenced against your petitioners in the Court of Queen's Bench by John Joseph Stockdale.

That the following is a copy of such notice:—

"In the Queen's Bench.

"Between John Joseph Stockdale, plaintiff, and James Hansard, Luke Greaves Hansard, and Luke James Hansard, defendants.

"Take notice, that a writ of inquiry of damages will be executed in this cause on Thursday, the twentieth day of February instant, between the hours of eleven of the clock in the forenoon and one of the clock in the afternoon of the same day, at the office of the sheriff of Middlesex, in Red Lion Square, Holborn, in the county of Middlesex. And, further, take notice, that the same will be attended by counsel on the part of the said plaintiff.

"Dated this 12th day of February, 1840.

"Yours, &c.,
T. B. Howard, Plaintiff's Attorney,
7. Norfolk Street, Strand."

"To James Hansard Luke Graves Hansard, and Luke James Hansard, the above-named defendants."

That your petitioners, in order to ascertain correctly the cause of action in such further suit, caused the declaration filed by the plaintiff in the Queen's Bench Declaration Office to be taken out, and of which declaration the following is a copy: —

"In the Queen's Bench.

"The sixth day of February, in the year of our Lord one thousand eight hundred and forty.

"Middlesex, to wit: John Joseph Stockdale, the plaintiff in this suit, by Thomas Burton Howard, his attorney, complains of James Hansard, Luke Graves Hansard, and Luke James Hansard, the defendants in this suit, who have been summoned to answer the said John Joseph Stockdale in an action on the case. For that whereas, before and at the time of committing the grievance next hereinafter complained of, the said plaintiff was, and for a long time had been, a bookseller and publisher of books, and as such bookseller and publisher of books, had published divers and very many scientific books, and particularly in the year one thousand eight hundred and twenty-seven, a certain physiological and anatomical book, written by a learned physician on the generative system, illustrated by anatomical plates. And whereas the said defendants, on the twenty-fifth day of June, in the year one thousand eight hundred and thirty-nine, did publish, and cause to be published, of and concerning the said plaintiff, in his said trade of a bookseller and publisher, in a certain book purporting to be Reports of the Inspectors of the Prisons of Great Britain, the passage following, that is to say, 'This last is a book (meaning the said physiological and anatomical book) of a most disgusting nature, and the plates are indecent and obscene in the extreme.' Whereas, in truth and in fact, the said book is purely of a scientific character; yet the said defendants, well knowing the premises, but contriving and maliciously intending to defame and injure the said plaintiff in his said trade of a bookseller and publisher, and cause it to be believed that he published indecent and obscene books, on the first day of July, in the year of our Lord one thousand eight hundred and thirty-nine, maliciously and falsely did publish, and cause to be published, of and concerning the said plaintiff, in his said trade and business, in a certain printed paper, purporting to be a copy of the reply of the Inspectors of Prisons for the Home District, with regard to the Report of the Court of Aldermen to whom it was referred to consider the first Report of the Inspectors of Prisons, so far as relates to the gaol of Newgate; which said copy of the reply purports to be a letter from William Crawford and Whitworth Russell, Esquires, Inspectors of Prisons for the Home District, to the Right Honourable Lord John Russell, &c. &c. &c., the false, scandalous, malicious and defamatory libel following, that is to say; — 'But we deny that that book is a scientific work (using that term in its ordinary acception), or that the plates are purely anatomical, calculated only to attract the attention of persons connected with surgical science, and we adhere to the terms which we have already employed as those only by which to characterise such a book' (meaning thereby that the said book was disgusting and obscene, as stated in the above-mentioned Report of the Inspectors of Prisons of Great Britain); and in another part of the said libel, to the tenour and effect following, that is to say; — 'We also applied to several medical booksellers, who gave it the same character. They described it as one of Stockdale's obscene books' (meaning thereby that the plaintiff was a common publisher of obscene books); that it never was considered as a scientific work;' 'that it never was written for, or bought by, the members of the profession as such;' 'that it was intended to take young men in, by inducing them to give an exorbitant price for an indecent work,' to the great injury of the said plaintiff in his said trade and business, and also of his fair fame and reputation, and to the damage of the said plaintiff of fifty thousand pounds, and therefore he brings suit, &c."

That your petitioners find, on examining the foregoing declaration with the declaration in the former action against your petitioners, in which the damages were assessed at six hundred pounds, that the cause of action is identical,—namely, for the publication of a libel of and concerning the plaintiff, contained in the Reports of the Inspectors of Prisons of Great Britain, and also in a letter addressed by the said inspectors to Lord John Russell.

That the said Reports and letter were printed by your petitioners by direction of your Honourable House.

Your petitioners therefore humbly pray the instructions of your Honourable House in the matter of this their petition, and on the course they should pursue with respect to the said notice and writ of inquiry.

And your petitioners will ever pray, &c.

(Signed) James Hansard.
Luke G. Hansard.
Luke J. Hansard.

LORD J. RUSSELL. — I move that this petition be taken into consideration upon Monday next, and that it be printed.

Motion agreed to.

THE SHERIFF OF LONDON.

The Sergeant-at-Arms announced that the Lord Mayor, Aldermen, and Common Council of the city of London waited to present a petition.

The SPEAKER. — Let them be called in.

The Lord Mayor, accompanied by Mr. Alderman T. Johnson, and another member of the corporation, and attended by several members of the Common Council, then appeared and handed in a petition, which was presented at the table.

The city authorities having withdrawn, the petition was read by the clerk, as follows: —

The humble petition of the Lord Mayor, Aldermen, and Commons of the city of London, in common council assembled,

Showeth, — That the corporation of London have, from time immemorial, enjoyed the privilege of presenting addresses to the Sovereign on the throne; a privilege which they have always prized as among the most valuable of their rights, and which they have been accustomed to exercise upon great and important occasions which have involved the honour and happiness of the Sovereign, and the welfare of the people.

That your petitioners have unanimously voted an address of congratulation to Her Most Gracious Majesty upon her happy union with his Royal Highness Prince Albert of Saxe Coburg and Gotha.

That your petitioners are most anxious to manifest their participation in the lively satisfaction which that auspicious event has diffused throughout the nation by attending, upon the earliest possible opportunity, to lay their address at the feet of their beloved Sovereign, but they find, by the approved usage of the city, that the sheriffs of London, attended by the remembrancer, should wait upon Her Majesty, to receive Her Majesty's royal pleasure as to the period at which Her Majesty will be pleased to receive the address of your petitioners, of which, the ordinary and most respectful mode of exercising their privilege, they are unable to avail themselves, by reason of the sheriff being in the custody of the Sergeant-at-Arms, by order of your Honourable House.

Your petitioners again humbly represent to your Honourable House that the said sheriff, in the course of conduct they pursued, were influenced only by a conscientious desire to perform what they believed to be their duty.

Your petitioners therefore humbly pray your Honourable House will be pleased to discharge the sheriff out of custody, to enable your petitioners to manifest their loyalty to their Sovereign in their accustomed manner, to testify their unbounded satisfaction on this auspicious occasion.

Signed (by order of the Court)
Henry Woodthorpe.

LORD VISCOUNT MAHON. — I move that the petition be printed with the Votes, and that it be taken into consideration on Friday.

LORD JOHN RUSSELL. — I cannot agree to its being made the subject of an Order of the Day. The Noble Viscount can give a notice of motion upon the subject.

Mr. LAW. — I give notice that to-morrow, when the petition shall be printed and in the hands of Honourable Members, I will call the attention of the House to it, and ask the House to agree to its prayer.

MILITARY AND NAVAL COMMISSIONERS.

LORD GEORGE LENNOX. — Sir, I move that there be laid before this House the names of the Military and Naval Commissioners, and the date of the appointment of that Commission; also, a Return, stating the days upon which they have assembled, and the names of Commissioners that attended on each day of meeting. I beg to state to the House, that my object in bringing forward this subject is, to ascertain from the Government, or some member of the Commission, the cause of the delay of the publication of the Report. The House may perhaps have forgotten, that in February, 1837, I moved for a Select Committee to inquire into the subject of the slow promotion of officers in the navy; and that, in the year 1838, the House agreed, by a majority of 13, to address Her Majesty, praying that Her Majesty would be pleased to take the case of the Royal Marines into consideration. Soon after that, the Noble Lord, then the Secretary for the Home Department, informed the House that a Commission would be issued, not only with respect to the marines, but with respect to the other branches of the service also. That Commission having been appointed, and having sat, I now desire, either that I may be informed of the cause of the delay in their proceedings, or that their Report may be at once laid before the House. I can assure the Government, and particularly the Gallant General who presides over the Ordnance department, that there is the greatest anxiety throughout both services for the publication of this Report; and that anxiety has been much increased, in consequence of the Noble Lord, the Secretary for the Colonies, having stated, some time since, in answer to a question from me, that the Commissioners had nearly finished their labours, and that their Report would speedily be forthcoming. I have been told that the Commission has not sat since the month of June last; but I consider that Her Majesty's Ministers are bound to carry the resolution of this House into effect. I do not wish now to go into the whole question of the complaints of the officers of marines; but I would mention one circumstance which, in my opinion, is worthy of notice. Unfortunately, riots have broken out in the town of Newport, but a small body of troops saved that town from destruction. No one can more sincerely rejoice than I, do at the promotion of the gallant Captain Gray, for his conduct on that occasion; and I believe that no one, either in or out of this House, thinks that, by his gallantry and bravery, he was not fully entitled to the new rank which he gained. But I will show a case of equal merit in an officer of marines, which has not been similarly rewarded. Lieutenant Park was attacked at Toronto, during the Canadian outbreak; but by his gallantry and address, although with a body of 50 men only, opposed to far superior numbers, the rebels were quickly dispersed. Sir John Colborne did not lose sight of this circumstance; but all that he could do was to confer upon Lieutenant Park the temporary rank of captain during his stay in Upper Canada; and although he expressed a wish that that rank should be confirmed in England, the authorities at the Horse Guards considered it impossible to do so. It is a gross injustice, that when marine officers distinguish themselves, the Admiralty should not have the power to reward them by promotion. As the law stands, the marine officer is the only officer who cannot receive promotion at the hands of his sovereign. Sir, I will detain the House no longer than to express my most earnest hope that some Honourable Member will give a satisfactory explanation of the delay which has occurred, and will state when it is likely that the Report will be delivered.

CAPTAIN PECHELL. — I have great pleasure in seconding the motion, and will take the opportunity of bearing testimony to the extreme anxiety of officers of my own profession on the subject. I think it absolutely necessary that some answer should be given to the question of the Noble Lord, — the more particularly, as the notion is very prevalent that the promotion, usually granted on a Royal marriage, would have been notified, now, in the Gazette, but for the delay which has taken place in the proceedings of the Commission. Suppose, now, that a brevet were to take place ——

SIR HUSSEY VIVIAN. — There will be no brevet.

CAPTAIN PECHELL. — I am glad to learn that fact, because it will afford some Honourable Member an opportunity of calling for some explanation on the subject.

SIR HUSSEY VIVIAN. — Sir, I shall feel it my duty to oppose the motion, principally on the ground that I consider it to imply a certain degree of reflection on the members of the Commission. As a member of the Commission, I can only say, that, from the moment at which it first sat, down to the time of the conclusion of its sittings, there never was any business more anxiously or more zealously attended to, than the duties which were imposed upon it. From the first day to the last, it was most punctually attended by all the members, except one or two, whose official situations prevented their giving up their entire time to it; and two distinguished officers, one of them the companion in arms of the immortal Nelson, whom we had the misfortune to lose pending our sittings. With respect to the Noble Duke who presided, I must say that he was constantly in his place, and always prepared to give us the advantage of his great experience. Therefore it is quite unnecessary that the Returns demanded should be made, because both the names and the days of attendance of every indidual will be specified in the Report, when it shall be published. At the same time, I can very well understand that there must prevail great anxiety on the subject, and will therefore state, shortly, what has been our course of proceeding. It is now two years ago since the Commission first sat. Its members met from week to week, determining, at one sitting, what should be done at the next, and directing the proper and necessary returns to be made in order to enable them to proceed. The business was of a complicated nature, and the commissioners had to go into the most minute details. At length, in the month of June last, when they had opened each particular branch of the question, they determined to submit certain recommendations. The different parts of the Report were then submitted to the officers connected with the various branches of the service, and, finally, to the Noble Duke, who sat as the chairman of the Commission, after which it was to be brought up to this House. It is absolutely necessary that the heads of the different departments should have, each of them, an opportunity of looking over that portion of the Report which relates to their several departments before the General Report is agreed upon. I believe the only points incomplete occur on departments of the army, marines, and ordnance; and when they are complete, the Commission will shortly meet again, and will then come to a decision on the Report. But the House will agree with me in thinking that the Commissioners have been right in not too hastily coming to a decision on a question of such vast importance. When we do present our Report, I am quite sure that, at all events, all parties will give us credit for having been actuated by the utmost anxiety and zeal for the public service. Whether the Report itself will meet the views of Honourable Members, I cannot, of course, take upon myself to say; but I can confidently claim for the Commissioners this credit; that their labours have been directed by the utmost desire to promote, by every means in their power, the welfare of the services to which their inquiries have referred.

CAPTAIN PECHELL. — I beg that I may be allowed to disclaim all intention of casting any reflection whatever on the members of the Commission. On the contrary, I am convinced that they have acted throughout from the best motives, and in the most diligent manner.

SIR H. HARDINGE.—Sir, I am glad to hear that no censure on the Commissioners is intended to be conveyed by this motion. As one of the Commissioners, I certainly have not neglected my duty. The fact is, that many of the members of the Commission were either Cabinet Ministers, or heads of departments, and they were necessarily, from time to time, prevented attending the Commission. Of course, in their absence, the other members of the Commission did not think it expedient to proceed with the examination of witnesses, whose examination was of an important nature; and we were therefore constantly obliged to suspend our sittings. On several occasions, members of the Commission have been called away to attend Cabinet Councils, and the Right Honourable Gentleman opposite, in particular, was ultimately obliged to secede altogether from the Commission, after having been repeatedly obliged to absent himself from the meetings of the Commission. The Right Honourable Gentleman has alluded particularly to the able and zealous manner in which the Duke of Wellington has assisted the Commission. To show in what way the Duke of Wellington attended to his duties, I would mention, that the draft of the Report having been sent down to Walmer Castle for his perusal, it was, although a very voluminous paper, returned by post on the following day. The Honourable and Gallant Officer has expressed an opinion, that the brevet had probably been delayed in consequence of the Commissioners not having made their report. I wish that the brevet could have taken place on the occasion of Her Majesty's wedding; but I beg to remind the Honourable Gentleman that there will shortly be another opportunity, on occasion of Her Majesty's birthday.

LORD GEORGE LENNOX. — I can assure the House, that when I gave the notice of my motion, I had not the slightest wish or intention to cast any imputation on the Commissioners; still less did I entertain the idea of casting any imputation on the Duke of Wellington. I have served under that illustrious Duke for years, abroad, and I would sooner sacrifice my life, than say anything that might appear disrespectful towards him. After what has fallen from the Right Honourable Gentleman, I will not press the motion.

Motion, by leave, withdrawn.

TURNPIKE TRUSTS.

Mr. MACKINNON. — In fulfilment of a pledge which I gave last Session to the Committee over which I had the honour to preside, I move for leave to bring in a Bill, "to alter and amend the Laws regarding Turnpike Trusts, and to allow of Unions of the same."

Mr. FOX MAULE. — If I understand the Honourable Member aright, his present motion is made merely in fulfilment of a pledge; if so, I think his pledge was amply redeemed by his Bill of last year. There is, at this time, a Commission sitting on this question, from whom a Report may be expected in June. In all probability the House will be induced to agree to the suggestions of that Commission when embodied by the Government in a specific measure. I hope the Honourable Member will not press forward his present Bill, but leave the subject in the hands of the Government.

Mr. MACKINNON.—Sir, I must crave the indulgence of the House for a very few moments, while I state the reasons which have induced me to bring forward this Bill. In 1835 I offered observations as to the necessity for a general consolidation of turnpike trusts. In consequence of those observations, a Committee was formed in 1836, of which I was chosen chairman. We sat a considerable time, and had before us the Duke of Richmond, and several other distinguished individuals, as witnesses; and the result was, that a Report was published, strongly recommending a consolidation of the whole of the turnpike trusts. In consequence of this Report, the Honourable Under Secretary brought in a Bill, which, however, did not meet with the approval of the House. The reason of its rejection was, that it had three leading faults. The first fault was, that it united trusts that were in debt with those which were not; next, that by that mode of consolidation, the whole control would be centered in the Home Office, or the Board of Works, thus giving offence to the country gentlemen; and, third, that it would deprive the individuals who had hitherto worked the machinery of the turnpike trusts, of their justly-earned stipends. In consequence of these objections, it was found impossible, with all the influence of Government, to carry the Bill, and it accordingly fell to the ground. Subsequently I had an interview with the Honourable Under Secretary, and he stated to me that he would, if possible, bring in another Bill. The consequence of this was, that in 1839 I moved for another Committee, and, previous to our Report being issued, Government thought proper to appoint a Commission. Now, I would ask, is it a good precedent for the Government to establish, to issue Commissions for the examination of subjects at the time under investigation by a Committee of this House? Now, with every respect for the Gentlemen of whom this Commission is composed, — the Duke of Richmond, the Marquess of Salisbury, and another Noble Lord, — I do not see why they should supersede the labours of our Committee. Then, what I would propose is, — let the Bill of the Commission be brought in, and also the Bill of the Committee; and the House can then choose the better, or we might select the best parts of both. Under these circumstances, I cannot see any reasonable cause for objection to the introduction of the Bill. I think that, at all events, the Bill might be printed and laid on the table, to await the measure about to be brought forward, founded on the Report of the Commission.

Mr. SANFORD. — I hope that the Honourable Member will comply with the suggestion of the Honourable Under Secretary, and leave the question in the hands of the Government, as I think it of much too important a nature to be left in the hands of any individual Member.

Mr. MACKINNON. — Will the Government take the matter up?

Mr. FOX MAULE. — I think it will be the duty of Government to do so.

Mr. MACKINNON. — Then I will withdraw my motion.

Motion, by leave, withdrawn.

CONSOLIDATED FUND.

Mr. HERRIES. — In rising, in conformity with my notice, to move for certain Returns exhibiting the present condition of the finances of the country, I must begin by expressing my regret that I shall be under the necessity of requesting for a time — which shall, however, be as short as possible — the attention of the House to the very important subject which I shall endeavour to bring before you. I regret that I should be called on to make any statement of the kind on this occasion, having, until now, indulged the hope that, considering all the circumstances under which the information is called for, —which it is my intention now to ask the House to order, — the Right Honourable Gentleman would have spared me the pain, and the House the trouble, of a lengthened address on the matter, by conceding, at once, the information so required. Indeed, it is only because I entertain little or no doubt that my motion will be opposed, that I think it necessary to trouble the House with any remarks at all. In the first place, I shall request the attention of the House to the general scope of that motion; and then to the particular nature of the papers for the production of which I intend to move. And I do this for the purpose of clearing myself of—of enabling me more effectually to fulfil — my promise to the House, that I would cause them no unnecessary delay. Of all these papers, the granting of one only, I understand, is to be opposed. The general effect of the observations which I shall have to address to the House, will be, to call into question the management of the finances of the country by Her Majesty's Government; but much of what I should otherwise have to offer on the subject can, with advantage, be postponed to a future occasion. I shall, therefore, at the present time, merely call the attention of the House to one branch of the administration of the finances, — the management of the unfunded debt. With regard to this I propose to ask for an account which will enable the House, when they obtain it, to judge whether the Right Honourable Gentleman opposite, the Chancellor of the Exchequer, and the Noble Lord who preceded him in that office, have, or have not, properly conducted this most important branch of the public finances; and I certainly do think that I shall be able to satisfy the House and the country that in this branch of the public administration there has been great mismanagement. The only portion of my motion to which I understand there is to be any opposition, is that which calls for an account of the income of the consolidated fund (including therein the duties on sugar), and of the charges thereupon in the year 1839; distinguished under the principal heads of receipt and expenditure; and also an estimate of the same for the year 1840; showing, in each case, the surplus applicable to the supplies voted by Parliament. The objection is mainly addressed to that portion of the proposed Returns which comprises an estimate of the pecuniary resources of the country for the current year; and it is to the necessity of producing this, in reference to the present state of our financial affairs, that the chief part of my argument on this occasion will be directed.

Having now stated what I do require, I must guard myself against being misrepresented as to what I do not require. I beg distinctly to be understood as not calling upon the Right Honourable Gentleman at the present period of the Session,—before, as he would say, his financial year has expired, — to state the whole of his prospective plans as to the supplies and the ways and means of the year. The motion which I have in view does not extend to that; — what it does require is, that this House should, at the earliest opportunity, have before it a correct view of what the income of this country is to be in the present year. The income of the past year has been laid before the House in a Return, made since I gave notice of my motion. With reference to the statement of the income for the present year, I may, and no doubt shall, be told that it is not the usual custom to call on the Chancellor of the Exchequer for such a statement as this; and still less to do so at such a period of the Session as the present. But it must be remembered that the existing state of things is by no means a usual one. If the financial affairs of the country were now in their ordinary condition, instead of being, as they are, in a state peculiar and unprecedented, I might, on the present occasion, as I have in former years, and as other Honourable Gentlemen on my side of the House have done in former years, have exercised a degree of forbearance in applying to the Chancellor of the Exchequer for the desired information. I must, in passing, remark, that no very good return has been made by Honourable Gentlemen opposite for this forbearance: on the contrary, they have largely abused it; so much so, that there has been, on their parts, a systematic avoidance of affording any information, when repeatedly questioned by individual Members on the subject of finance. Sometimes, notwithstanding the repeated solicitation of Honourable Members for information, July and August have been allowed to pass over without the House being placed in the situation of knowing the financial position of the country; and the information has been at last only afforded when the greater portion of Honourable Members had left town. Is not this a true picture? Such being the result of the forbearance shown on former occasions, how should we answer to our constituents were we to allow the practice to be continued during a Session unexampled as regards the financial state of the country, as this must be?

With these views, I do not hesitate to bring the question before the House. I will, as much as possible, avoid resting my case on technical financial grounds. I shall not need to have much recourse to figures, because the case which I shall have to put to the House is founded upon broad, simple, intelligible principles, requiring no figures to aid, support, or illustrate it. I would here refer to what took place in this House, on a former evening, when the Honourable Member for Kilkenny cast a reproach on Honourable Gentlemen who sit on this side of the House, for not supporting him in his endeavours to press the Government on the subject of finance. The reproach was offered in very good part by the Honourable Member, and in equally good part was it received; and I will now state the motives which have influenced myself, and those around me, in refraining from pressing the Government on the subject of finances. During the last two years (I might go even further back), as is well known to those whom I have the honour to address, the moneyed interests of the country have been in a peculiarly critical condition. The mercantile classes have been labouring under deep anxiety and solicitude. Events, detrimental and dangerous in a greater degree than any which have been experienced for years before, have occurred or have been impending;—so much so, that no man who has witnessed those anxieties and those events, would be willing, in any way, to add to them. Under such circumstances, it will at once be owned that it was not desirable to press the Chancellor of the Exchequer, or to force from him statements with regard to the finances of the country, the effect of which, elsewhere, might be "much greater than any which was intended or expected from the inquiry." But, now, no necessity for any such reserve exists. Are matters, at present, in such a state as to excite reasonable apprehension that any information elicited by inquiries from this side of the House, would produce distrust or alarm, or add to that already existing? All doubt or uncertainty has been completely put an end to by declarations from the highest authorities on the subject in the country, both here and elsewhere. Nothing that I could elicit, by this or any similar motion, could have half the weight or authority, or effect on the financial condition of the country, of that which has fallen from the Noble Lord at the head of Her Majesty's Government, and from the Noble Lord opposite, on the occasions to which I refer. The Noble Lords are, necessarily, from their position, much better judges of these financial affairs than I, or even any other Honourable Member of the House can presume to be; and they have met the question freely and without reserve; and the consequence is, that I am in a position to describe the financial position of the country in language far more forcible than any which I could otherwise hope to be able to use. I shall first refer to what has been stated in another place,—and which, I conceive, may now be referred to as a matter of history,—by the highest authority in this country,—by the first Minister of the Crown, and the first Minister, also, of that department which is peculiarly connected with the subject of this motion,—by the person within these realms the most competent, by his station and his knowledge of the subject, to inform the public with regard to the condition of our financial affairs. The observations I refer to were made on the occasion of a recent motion, and were these:—

> The subject which had been alluded to by his Noble Friend was certainly one of the most paramount importance to the country. He could not do otherwise than express his entire concurrence in the general views of his Noble Friend, and in all the facts which he had stated relative to the position of affairs both at home and abroad. He agreed in the general principles, both political and financial, expressed by his Noble Friend. He quite agreed in the wisdom of the application of the sinking fund as practised under the Administration of the Noble Duke. He also entirely agreed that it was not a satisfactory state of financial affairs to have a clear admitted deficiency. But the Noble Earl further considered it a right precept always to expect a surplus. Now, he did not agree with that; and he rather thought that when the deficiency was but small, it was not wise to burden the country with any extraordinary exactions, but to trust to its natural resources to recover itself. Still it was impossible to deny that a deficiency, year after year increasing, was a state of things which the country must boldly and decidedly apply itself, looking in the face of the difficulty and the danger, and earnestly applying itself to a remedy. For in financial difficulties and perils, as in all others, it was necessary to adopt a certain degree of boldness and courage, and to act, not entirely on set rule, but looking at the circumstances in which one is placed, and the real state of the country. His Noble Friend had said, truly, that these difficulties had been occasioned, not so much by a falling off of the revenue,—not so much by any failure of the productive resources of the country,—though of late years there had been a degree of pressure upon those powers, both in this country and in others, from which he (Viscount Melbourne) hoped that they might recover themselves by their own exertions, and the operation of the natural revenues of the country; but it must be admitted that the expenses of the country had been going on increasing in a very great degree every year, and the causes of that growth, he quite agreed with his Noble Friend, were such, that he saw very little probability, at present, of being able to effect a reduction. He (Viscount Melbourne) did not think it necessary to follow his Noble Friend through all the questions to which he had called their Lordships' attention, but he admitted, from the causes which he had stated, that he did not see any probability of being able to effect any diminution either in the military or naval force of the country.

I hope that any reduction in the military or naval establishments of the country, at a time when the safety of the State requires that they should be maintained to the utmost, will not be among the expedients resorted to by the Government to remedy the disorder in the finances. The other authority I shall quote is also one entitled to the highest consideration;—it is that of the Noble Lord the second Minister of the State—the Noble Lord who is leader in this House. On a recent occasion that Noble Lord, with a candour equal to that evinced by his Noble Colleague, informed the House that—

> He was ready to admit that the estimates which they thought necessary for the army, the navy, and the ordnance, in order to keep up the character and fame of the country, would, perhaps, require, in the present state of the finances, the imposition of fresh burdens on the country, the present revenue not being adequate to keeping them up.

We are now in such a position that it is indispensably necessary for the House of Commons to look our danger in the face, and to perform boldly the duty of laying on taxation, most dangerous and most arduous though that duty be; but I do trust we shall address ourselves to it without any other feeling save that of anxiety for the public safety; because the national interest is above all party considerations. I have already stated that I believed that my request would be objected to as unusual, and therefore could not be granted. Undoubtedly it is so; but I believe I have stated enough to satisfy the House that the unusual circumstances of the country are sufficient to justify the present demand. But is there not sufficient to justify this demand exclusive of the unprecedented state of the finances of the country? I am not wholly without precedent for this motion. I find that the Chancellor of the Exchequer, in former times, did not withhold information such as I now call for. I remember the time when the Earl of Ripon entered upon the office of the Right Honourable Gentleman, and during the three years which he held it; and that when I had the honour of having a humble share in the administration of the finances, in the course of February in each year, a statement of the finances for such year was laid on the table. I find, also, that when Lord Althorp was Chancellor of the Exchequer, in the early part of the first Session that he held office, — namely, on the 11th of February, — he furnished a complete calculation of the probable state of the finances for the year; and I find, too, by the printed form, that it was much such a Return as I now call for. When, also, I am told that the statement I require is unusual, — is not in such a form that it could be granted, — I cannot help recollecting that last year I was told, by the Chancellor of the Exchequer, himself, that there was no objection to giving me the information in the form in which I now call for it. The Noble Lord who last year was Chancellor of the Exchequer made his budget in July, and he produced a little budget afterwards, in the month of August, to the surprise of every one. Shortly afterwards a statement of the finances for the remainder of the year was laid on the table of the House of Lords, and was subsequently furnished to this House. As far as the information given in that statement went, — and, indeed, for the manner in which it was drawn up, — I require nothing more, provided the Right Honourable Gentleman will furnish me with a Return for the year 1840 after the fashion in which it was given last year for 1839. I may be told that that paper was given late in the Session, and after the budget had been opened. This, however, does not alter the case, for the financial calculation was then given for the year to come; and, now, all that I ask for is, the statement for the financial year, ending in January next. This will be only going as far as the Chancellor of the Exchequer thought it advisable to go last year. I distinctly wish to guard against the impression that I intend to deal with, or wish to interfere with, their secret intentions, which the Right Honourable Gentleman will have to disclose at the proper time. I do not ask what new taxes are to be proposed; I do not ask to be informed what the extraordinary resources of the Right Honourable Gentleman are for the emergencies in which he is placed; neither do I ask for any information as to the balance of old Exchequer bills that are out, or how the Right Honourable Gentleman intends that they shall be paid off: but, under the extraordinary circumstances of the times, and under the admitted confusion of the finances, and when it is universally admitted that no inconsiderable alarm prevails on the subject, I think that the House should be put in possession of all these Returns, on which basis a knowledge of the finances must rest, and which will furnish us with the amount of the actual income and the resources of the country. With the extraordinary alarm that prevails at the present moment, would the House of Commons feel justified to the country in allowing this information to be withheld, after the declarations that have been made to both Houses of Parliament, by the Ministers of the Crown, on the subject of the financial embarrassment of the state?

The Chancellor of the Exchequer may tell the people that the country ought to wait for this information, as he does not feel it convenient to give it at present; but I think, to say the least of it, that it is highly improper for the Chancellor of the Exchequer to resist such a motion. I am satisfied that it is impossible sufficiently to estimate the immense importance of this matter; it is impossible to estimate too highly the solicitude that prevails in the public mind on the present condition of the finances. If the Right Honourable Gentleman is aware of the public anxiety as to that condition of the public finances and the prospects of the country, in this respect, he must, I feel assured, be extremely anxious to come forward, and, if he have it in his power, to remove the feelings of alarm that prevail. There is no society into which I enter, — there are no persons with whom I converse on the subject,—amongst whom there does not exist the strongest manifestation of alarm and anxiety, and who do not feel that this matter deeply concerns the welfare, honour, and interest of the country, both at home and abroad,—who do not know and feel that, after the statements promulgated throughout the empire with respect to our financial state, and after the information that has been laid on the table, — while our expenditure is gradually and greatly increasing, and while there are no means of retrenchment, our income is not on the increase. Who is there but must feel that in the present condition of the country, at home, and abroad,—in the present state of our affairs, the finances are in—an inconvenient is too light a word to use—but in a deplorable condition? How can the Noble Lord allow this state of things to continue, when he knows that, at home, it requires more than ordinary exertion to keep down the Chartists in England, and abroad, to restrain the encroachments of foreign powers? How, when his responsibility has been immensely increased by the state of our affairs abroad, and when he has stated that it will be necessary to increase our establishments to maintain tranquillity at home, — is he prepared to meet these exigencies? If the Noble Lord can show that we do, at present, maintain adequate establishments, then, truly, it is unnecessary to explain, upon the points I have adverted to. But all persons must feel the importance of the crisis, and all persons must look at the present state of things, as regards our finances, with feelings such as I have just described. The first object I have in view is, to estimate the extent of the evil before I call upon the House to adopt the propositions which I shall submit to it. Is there any man who will say that the public of this kingdom do not possess the highest extent of information, or will deny that they are most anxious to possess the means of arriving at a sound conclusion on any subject which so deeply interests them as this does? The Government must be aware that the people of this country are more anxious than the inhabitants of any other, on a subject of this nature; and when they have been informed that it has been inferred, both in this and the other House, that there is an increasing deficiency in the public income as compared with the expenditure, they are naturally anxious to know the extent of the evil.

The House, also, should be made acquainted with the real state of the case, and be furnished with the details of the subject, so as to be able to form a correct opinion on the matter, before it is called upon to sanction any measure or motion to supply this deficiency in the finances. It is not my business to make a financial statement, and I do not now call for the means of making one; but, as the Right Honourable Gentleman has not thought proper to make any, and as he has intimated that he is not prepared to do so, I will shortly set forth what I believe are the facts of the case, from the information within my reach. I will indicate state what I believe to be the results in round numbers, in order not to press, for too long a time, on the attention of the House. On ordinary occasions, we might have waited for the information which I think necessary, now; but at present, and to use the words of the Noble Lord at the head of the Government, in another place, "in the very disagreeable state of our finances," I feel bound to show what I believe to be the exact nature of our position. In looking back, then, to the financial accounts for the last three years, I take my statement from the Return at the end of the actual year, and not the financial year in April, — for the former is still retained in the Returns laid on the table of the House. Taking, therefore, the financial accounts from January to January, and looking back to the Returns for 1837, I find that there was, then, a deficiency, on the produce of the revenue to meet the expenditure, to the amount of 726,000*l.* I find that, in 1838, there was a further deficiency of the same kind, which amounted to 440,000*l.*; thus making together the sum of 1,166,000*l.*, as the amount of the deficiency which existed at the close of 1838. In the year 1839, it appears, from the accounts recently laid on the table of the House, there was a further deficiency, which amounted to no less a sum than 1,512,000*l.*, making, together, a deficiency, at the end of the year 1839, to the large extent of 2,678,000*l.*

Under these circumstances, am I not justified in my motion, and in pressing to know the probable amount of deficiency arising during the present year? When we look at the present state of affairs, is not every one most anxious to know, from the very best authority, what are our financial expectations for the year 1840? In addition, also, to the deficiency which I have stated, it is likely, moreover, to be further increased, in consequence of the additional charge of some of the great establishments of the country. I am obliged to make the best estimates I can from the Returns on the table of the House; and from the extent of information furnished to us in these documents I am enabled to form what I believe to be a tolerably correct estimate on the subject. Taking, then, merely one of the great charges of the expenditure, I find that, in the Navy Estimates for the present year, there is an increased charge for that branch of the public service amounting to 500,000*l.* I would ask whether it was not reasonable to expect that, when a deficiency in the revenue of the country to the amount of 1,500,000*l.* was allowed to occur in the year 1839, — means would be taken to prevent such a deficiency occurring again? I wish that it may not be the case, but—I fear that there is nothing in the state of affairs at present, that will justify me in supposing that there will not be a deficiency to the same extent in the present year. For these reasons, I feel myself justified in assuming that a deficiency to this amount will occur in the year 1840. But, in addition to the deficiency of 1,500,000*l.* which arose in 1839, there is an additional charge on the revenue of the present year, for the augmentation of the navy, and therefore the sum of 500,000*l.* must be added to the former amount, which will make the deficiency for the present year amount to the sum of 2,000,000*l*. Thus, supposing that there were no ground to expect any further increased charge, or any other deficiency, the amount, at the end of the year 1840, will be found to be 4,678,000*l*. Would that this were all! but I fear it is not the utmost extent of the difficulty we shall have to sustain. I am not about to enter into any calculation as to any extraordinary expenses which were incurred last year, and which may or may not be incurred again this year. I am bound to state my views on the subject to the extent of the information before me, because I am called upon to go into the subject, and to make a statement, in consequence of the opposition made to this motion for Returns by the Right Honourable Gentleman. But I have, hitherto, made no mention of another probable cause of deficiency, which is, unquestionably, of great importance, and to which the Government has exposed the public revenue for the present year.

I have not yet said one word respecting the great question of the revenue of the Post Office. Whatever deficiency shall have occurred from this source of the revenue must be added to the amount which I have already stated, and I venture to form, to the best of my judgment, from the papers on the table, an estimate of what this will probably be, and I trust that the Right Honourable Gentleman will correct me if I am wrong; but I think I am justified in saying — and I am to some extent acquainted with the Post Office — that there will be a loss of from 1,200,000*l*. to 1,400,000*l*. by the change introduced in the system of postage. All the information that has been furnished by the authorities of the Post Office justifies this estimate; and I have been assured by persons very familiar with the subject, that my estimate of the probable loss is exceedingly moderate. If, then, we take the smaller sum, and add the 1,200,000*l*. for the deficiency in the Post Office for the year, we shall have a deficiency at the close of the year 1840, amounting, in the aggregate, to very nearly 6,000,000*l*. Is this a state of things under which the House should remain quiet? Is this a state of things which the House should pass by with feelings of satisfaction? Should it allow the Right Honourable Gentleman, at his own time and pleasure, to state to the House how he intends to deal with this increasing deficiency in the revenue? I cannot believe that the House will consent to anything of this kind; and I entertain the strongest conviction, that, when I put the motion into the hands of the Speaker, and when the question shall be put, "aye" or "no," — the "ayes" will have it. I feel that it is impossible to pass over the subject of the Post Office without some observations on the extraordinary conduct of the Government, with respect to that question. It was a proceeding which inevitably operated to produce an increase of the evil complained of — it was a most wanton aggravation of a state of things which it was their duty to change as soon as possible. At the commencement of the year 1840, and with a knowledge of the financial difficulties which then existed, and of the increased expenditure which was likely to arise — with all this knowledge, the Government chose to introduce this system. No Government ever before introduced and carried into effect a plan of the kind under such extraordinary circumstances, and in such an embarrassed state of the finances. And this was done not with any conviction of the soundness of the policy of the proceeding, but merely in consequence of the momentary circumstances in which they were placed. I say this with confidence, when I recollect the opinions that have been expressed on the subject, both here and in another place, by members of the Government, and which show me that great doubts were entertained of the success of the plan. The Noble Viscount who introduced the Bill last year into the House of Lords, among other things, said, —

> For the last year, and, indeed, for the last two years, the income of the country had not been equal to its expenditure; and this had not arisen from any falling off in the revenue, but was owing to the general increase which had arisen in the public expenditure. He might be asked, then, in the present state of the revenue, with a tendency to the increase of the expenditure, how he could venture to tamper with so large a sum as that derivable from the Post Office revenues?

This was a most natural question, and it was answered in a most extraordinary manner. The Noble Viscount proceeded, —

> He certainly felt the force of the objection, and his answer to this was, that, in the first place, the very general feeling and general concurrence of all parties in favour of the plan, and there was such a general demand from all classes of the community for a measure of this nature, that it was a very difficult matter to withstand it.

This, then, was all the apology that we had from the Prime Minister of the Crown, for aggravating our financial difficulties to the amount of 1,400,000*l*. a-year, and when he knew the enormous extent of the deficiency that already existed! He did this because he "found it a difficult matter to withstand" a general demand; and where did he find the difficulty? Not in Parliament. Would he have found the difficulty of withstanding Parliament on the subject? I know that he could have induced Parliament to withstand this inconvenient proposal, which was carried by the Noble Lord, then Chancellor of the Exchequer. He must have been aware that he could have induced the Parliament to withstand this dangerous proposition, which has been pressed upon the Government from without, and from within. If he had looked to the gentlemen of England for support, and had asked them whether they would sanction a measure which would increase the deficiency of the revenue, he would have had no deficiency of supporters! I am sure that all parties, on such an appeal being made to them, would have regarded it as a matter of sound policy to oppose such a plan until more favourable circumstances might arise for carrying it into execution. I am not speaking against the scheme itself; — I am not stating that this reduction of one branch of the revenue might not be considered under other circumstances. I offer no opinion on that point; — or as to what it might have been prudent or advisable to do on the subject when the finances of the country were in a favourable condition, and when we had a large surplus to deal with, and to insure us against any resulting deficiency in the revenue — such a surplus, for instance, as the Noble Lord opposite commended the Duke of Wellington's Government for maintaining. But, entertaining that opinion, — it was extraordinary that he could be a party to come forward with such a proposition. I do not hesitate to say, that the proposition was inconvenient and dangerous, and Lord Melbourne and his Government must have been aware of the fact, and must have known that the carrying it at that time could only add to our financial difficulty. In sanctioning such a measure, they abandoned — I had almost said — all honest policy; for the Government itself never had any confidence as to the result of this scheme. They never believed that this was a wise plan — they were never convinced that it would prove advantageous, for they resisted it strongly when it was first proposed. When the Government gave way, what was the secret influence which induced them to abandon their former conviction, as to the alleged inconvenience likely to attend the adoption of the plan? That they might keep their offices, they entered into this compact, and by this sacrifice of their opinions and principles on the subject, they might secure certain votes. In introducing that measure, the Government warned the House that there was a risk of great loss. The late Chancellor of the Exchequer brought it forward in the House with evident reluctance, and he satisfied his own conscience by the most extraordinary expedient for that purpose that ever a Minister of State consented to resort to. He told the House that he was afraid — that he knew — that this measure would be delusive in its consequences; but the remedy which he proposed as a security, was, that he would take "a pledge" from the House of giving him an equivalent to make good the revenue which he might lose! They have now lost the revenue; and, at the same time, have got rid of the pledge! Now I am desirous to be informed when the House will be called upon to redeem this pledge? Independent of this pledge, there is another very large source of deficiency in the revenue, which I trust it will be considered the duty of the House to fill up and remove during the present Session. I say that I hope,—for nothing can be so objectionable as the attempt that has recently been made to carry on the public service of the country in time of peace, by means of peace loans. I can hardly conceive anything more baneful than, notwithstanding the resources and power of the country, to exhibit England to the world in such a lamentable condition, and her finances on such a dangerous footing, as to render it necessary to carry on her Government by means of peace loans.

For my own part, if that be the system which the Right Honourable Gentleman means to pursue, I can assure him that such proceedings, with respect to our finances, shall never cease to meet with my most strenuous opposition. If I am told that it was necessary to resort to this expedient, I would remind the House that the finances of the country have been reduced to so unfortunate a state not without warning; for the Government have been constantly cautioned against this reduction by Honourable Members on this side of the House who take a prominent part in the discussions on the finances of the country. My Right Honourable Friend the Member for the University of Cambridge has never failed to repeat his cautions to the Government against the dangerous practice of sacrificing the revenue to popular demands for reduction of taxation, without considering how the deficiency ought to be made up. My Right Honourable Friend the Member for Tamworth, also, cautioned Lord Althorp on this subject, when that Noble Lord brought forward his last Budget. The language used by my Right Honourable Friend on that occasion was most emphatic, and warned the Noble Lord of the dangerous nature of the proceeding he had adopted in reducing taxes merely in consequence of a popular demand. My Right Honourable Friend added, —

> That he was sure that any one in the situation of the Noble Lord must be aware of the difficulty between repealing old taxes and imposing new ones, and that it made a great difference to a nation whether it continued to bear those burdens it was accustomed to; and taking those burdens hastily off, and imposing others to which they were not accustomed.

If the House will look back through the twenty-six years during which peace has now existed, they will, until a comparatively recent period, find that a surplus revenue has always been maintained. This has been the case during the whole of that period, until within the last five, or rather the last three years. From the year 1816 until the year 1828, when the Finance Committee sat, the revenue was maintained in such a state as to satisfy the anxiety of those who looked for a large surplus income; and this was proved, during that period, sufficient to effect a large reduction in the national debt. In the Fourth Report of that Committee, with which I am sure the Right Honourable Gentleman opposite must be familiar, it was shown that, in the interval of the peace between 1817 and 1828, there had been a reduction of 3,500,000*l.* on the charge of the public debt; while, in the same time, 26,000,000*l.* of taxes had been taken off. There was something consolatory in the view of the finances of the country at that time; and my Right Honourable Friend the Member for the University of Cambridge, who then had the management of the Exchequer, took care that the revenue should not be in such a condition as to afford any chance of being exposed to the reproach of a deficient income. My Right Honourable Friend took care that the public revenue should not perish in his hands. While he held the office of Chancellor of the Exchequer, he reduced the taxes by the amount of between 6,000,000*l.* and 7,000 000*l.*, and still left a surplus revenue to his successor, Lord Althorp, of about 3,000,000*l.* I believe the exact sum was 2,900,000*l.* Lord Althorp, being always an anti-surplus statesman, had ever been in favour of a small surplus revenue; and he proposed to reduce a number of taxes, but still he retained a clear surplus revenue of 500,000*l.* a-year. The only deficiency of the public revenue during the whole of the twenty-six years antecedent to the time at which Honourable Gentlemen opposite came into office, was when Lord Althorp was Chancellor of the Exchequer. The hasty reduction of taxes occasioned it; and the deficiency that arose then, to the amount of about 1,000,000*l.*, was made up by increased revenue in the following year; so that no great public inconvenience resulted from it. There was no continued deficiency from that time until 1837; that is, there was no actual and permanent deficiency of revenue.

I have already stated to the House that Lord Althorp was always opposed to having a very considerable surplus for the reduction of debt; and on introducing his first Budget, he proposed a reduction of some taxes, and a substitution of others, but so that the surplus should be reduced from 3,000,000*l.* to about 500,000*l.*, which, however, at the time, he stated was going rather too near the margin, and that there was some danger in it. But what was the conduct of Lord Althorp when he found that he could not carry some of the taxes which he proposed to substitute in lieu of those to be taken off? That Noble Lord, having a just regard for the enormous danger which might arise from having a constant deficiency in the revenue of the country, when pressed to reduce some of the taxes which he had originally proposed to do, — without having, at the same time, a surplus, — strenuously resisted the proposition. It would have been congenial to the feelings of Lord Althorp to have adopted some of these suggested reductions ef taxes; but no pressure from within or without could either compel or induce him to sacrifice such an important principle, in connection with the revenue of the country, as a surplus income, and thus put the public credit of the country in danger. The House must well recollect with what energy that Noble Lord adhered to the decided course that he had adopted when the House was taken by surprise, and agreed to a motion for the reduction of the malt tax. The Noble Lord came down the next evening to the House, and called on them to rescind that vote; and, unless that vote should be rescinded, he then manfully declared that he would not remain an hour in office and place the country in such a dangerous position as it must enter upon with a large deficiency in its revenue. Having adverted to the Right Honourable Gentleman opposite, the Chancellor of the Exchequer, so pointedly before, I think it but right to say, that the position into which the finances have been brought has not been owing to those who have had the management of the Exchequer, but the evil has arisen from the wretched policy of the Government itself. No man can have watched the proceedings of the Government, without observing that the Noble Lord at the head of the Government, in the other House, is a most reluctant executor of many of the tasks imposed on him by his supporters, and that he is forced and driven to uphold many measures, which he, himself, is really opposed to, by his colleagues in the Administration. In addressing the Right Honourable Gentleman opposite as the Minister responsible for the finances of the country, I am sure that the Right Honourable Gentleman will not urge, as a plea to exempt him from censure that he has been but recently appointed to the office which he now fills, because he has but succeeded to a department with which he had long been familiar, and with the details of which he was practically acquainted as well as his predecessor. I shall therefore now proceed to advert to what has been done during the last year or two. I do not wish to detain the House at much greater length; for I think that I have already laid sufficient foundation to justify me in calling for the papers which I require, and more particularly in the present state of the country. Looking to what I consider to be the duty of the House, I believe there never existed a more solemn obligation on them than at this time, to take proper steps to put a stop to the present financial embarrassments of the country. When I see the danger staring the country in the face, I feel that I am justified in calling upon the House, at this early period of the Session, to demand from the Government such information as shall tend to direct them in that course which it is essential to the interest of the public service should be taken.

But before I proceed further, I must observe that it is necessary I should guard the House against relying upon any authority, or upon any facts, which I may have adduced, but I would have them rest upon the statements of the members of Her Majesty's Government itself; and, when I allude to the dangerous state of the finances of the country, I would also recommend them to guard themselves against forming an exaggerated or too gloomy view of the general nature of our condition. What I have spoken of was merely to show the effect of the mismanagement of the Government, — of the want of judgment, of firmness, and of skill, which has characterised the present Administration. The people of England are not, I am happy to feel, diminished as to their resources; they are not less able now, than heretofore, to support the honour and interests of the country, and to insure its safety, by such contributions as the public service may require. I believe that our resources are unimpaired, — that, indeed, we are even more competent now, than at any former period of our history, to make greater exertions, if called upon to do so. I utterly repudiate the foolish notion that England has been laid prostrate under its seven or eight hundred millions of debt. It is quite idle to talk in this way. And, when we consider that, during the last twenty years, 40,000,000*l.* of taxation have been remitted, — and when, also, we consider our advancement in every branch of wealth, — (unless where peculiar circumstances account for an opposite result,) — we must come to the conclusion that there never was a period at which the country was better able to support its honour and interest than this. When we shall be called upon to make good the deficiencies which have arisen, I have not the slightest doubt that we shall be fully prepared to do so; and that the wisdom of Parliament will be fully able to remedy the evils which the folly of the present Government has brought upon the country. I shall now conclude by moving for "An account of the income of the Consolidated Fund (including therewith the duties on sugar), and of the charges thereupon, in the year 1839; distinguished under the principal heads of receipt and expenditure: And, also, an estimate for the same for the year 1840; showing, in each case, the surplus applicable to the supplies voted by Parliament. Account, showing the amount of the deficiency bills charged on the growing produce of the consolidated fund outstanding, unsatisfied on the 14th day of February, 1839, and the 14th day of February, 1840, respectively. Account, showing the surplus or deficiency of the net income of the United Kingdom, compared with the expenditure thereof (exclusive of the charge for a fixed sinking fund, while such was imposed by law), in each of the five years preceding the 5th day of January, 1831: and also in each of the five years preceding the 5th day of January, 1840. Account, showing the total amount of the funded or unfunded debt created, and also of the funded or unfunded debt extinguished, in each of the three years preceding the 5th day of January, 1840; distinguishing the stock created in lieu of Exchequer bills cancelled, being the produce of moneys invested by savings banks. Account of the total amount of the unfunded debt outstanding on the 5th day of January, 5th day of April, 5th day of July, and 10th day of October, in each of the years 1837, 1838, and 1839; stating the rate of interest on Exchequer bills issued at or about the same periods; the current rates of premium or discount on the same in the public market; and the prices of the Three per Cent. Consolidated

Annuities. Account of the total net income and expenditure of the United Kingdom, in each of the twelve years between the 5th day of January, 1828, and the 5th day of January, 1840 (in continuation of the account annexed to the Fourth Report of the Committee on Finance in 1828, wherein the same is exhibited from the year 1792). Account, showing the total sums expended for the service of the army, navy, ordnance, and miscellaneous, in each of the twelve years between the 5th day of January, 1828, and 5th day of January, 1840."

On the question being put from the chair, —

The CHANCELLOR of the EXCHEQUER said: — I am well aware that every person in office is, *ex officio*, liable to those observations and charges which, as a member of the Government, I share on the present occasion; and I am equally well aware that, in the eyes of the Opposition, there can be no motives for bringing forward such a motion as this but those of the purest patriotism. I am far from desiring to assign any other than the best motives to the Right Honourable Gentleman; but still I cannot conceal from myself — nor will I attempt to conceal from the House or the country — that, if all the ingenuity of the Right Honourable Gentleman had been called into requisition for the purpose of devising a course more embarrassing to those who are at the head of the financial affairs of the empire, he could not have been more successful than he has been in preparing and bringing forward the present motion. Before I come to the real point at issue, and before I follow the Right Honourable Gentleman in some of his observations, I will narrow the question as much as possible to the points which the House will have to discuss, by stating what part of the Returns I am ready to concede. The part of the motion to which I object is for a Return of " the estimated income of the Consolidated Fund for the year 1840." The rest of the Returns I am quite willing to give; with this understanding, — that, if I shall find further information necessary, I shall hold myself at liberty to re-move for fresh Returns. There remains, therefore, no questions as to any account whatever, which is included in these Returns relating to the past, as there is no objection on the part of Government to any Return whatever, but to that which involves, practically, that part of the Budget which comprises the income of the future year. This, however, is the principal point at which the Right Honourable Gentleman aimed. He insisted that, at this present moment, the Chancellor of the Exchequer should lay before the House an estimate of what would be the income of the future year. The Right Honourable Gentleman, in the first part of his speech, sought to justify what he admitted to be not an ordinary, but an extraordinary motion, by an allegation of what he was pleased to term a systematic evasion, on the part of Government, of any declaration as to what were their views upon finance, or what was the condition of the finances of the country. But the Right Honourable Gentleman quite upset this justification by subsequent admissions. When it served his turn to do so, the Right Honourable Gentleman commented on statements made by my Noble Friend not now in the House, and by my Right Honourable Friends around me, on the occasion of a motion for a vote of want of confidence in the Government; and, in doing so, he admitted that, in the early part of the Session, on the first opportunity, nothing could have been more candid, more fair, more open (such were the words), than the statement of both my Noble Friends (Lord Melbourne and Lord John Russell) respecting the position in which they were placed, and the course which the Government intended to pursue; and therefore, when the Right Honourable Gentleman stated that the Government displayed a systematic evasion in stating their views regarding finance, I would only ask the House to look to the facts of the case. If ever there was a moment when the Ministers of the Crown might well have shrunk from such a declaration as that which was so manfully made by my Noble Friend at the head of the Government, in this House, it was that moment when the fate of the Administration was pending. Yet, the very instant before this House went to a division on his fate as a Minister, my Noble Friend near me, in language which has been characterised by the Right Honourable Gentleman opposite as most candid, fair, and open, declared to the House the difficulties of the financial circumstances of the country, and the determination of the Government to meet them with the firmness and energy which the case required. I think, therefore, I have disposed of the charge of evasion which the Right Honourable Gentleman has thought fit to urge.

The Right Honourable Gentleman says that the returns he seeks for have been furnished on former occasions; but the Right Honourable Gentleman — unintentionally, no doubt — left a wrong impression on the minds of many Honourable Gentlemen who had not closely attended to all the circumstances, or to the real facts of the precedents which he brought forward. He stated that both Lord Ripon and Lord Spencer, when they held the office which I have now the honour to fill, gave accounts of their financial expectations at an early period of each year. Now, in the first place, as regards Lord Ripon, it must be recollected that the financial year in his time began in the month of January, and not, as now, in the month of April; and consequently, the business of the House was necessarily brought forward at an earlier period of the year than now it is; but the other circumstances of the case were different. That was not a case of compulsion at all; no opposition called for the course; but the Noble Lord took that course which appeared to him to be, under the circumstances, most expedient, and best for the public service; not because he was called upon to do so, though he considered it inconvenient. Lord Spencer followed the same course, of his own free motion; but it was a course, with respect to which, at the time, if I mistake not, many objections were taken, by all parties, as highly inconvenient if it was regarded as establishing a precedent for Government's laying the financial statement for the year before the House at so early a period. Yet that is the demand of the Right Honourable Gentleman, founded on such precedents as these. These accounts, then, having never, in the warmest times of opposition, even during the war, been pressed for from Government, or granted by Government, it is for the Right Honourable Gentleman and his friends to make out a stronger case than has been made out for their production, now. In the first place, I have always understood, and I have learned from those whom I was always led to think high authorities, that the case of an individual, and the case of a country, are quite different. I always understood that it was a doctrine laid down by high authority at the other side of the House, that as regards, an individual, the first object which he ought to look at, is the amount of his income; and that having taken an account of his income, he is then bound to cut down his expenditure to meet it; but the case is quite different when you come to deal with a country. Here you are obliged to look first at what the necessities of the public service require, and then to meet those necessities; so that if you have a superfluous income, you are not at liberty to expend one sixpence more than is necessary; and if, on the other hand, there be a deficiency of income, you must still first look at the expenditure which is necessary, and having taken this into consideration, you should proceed to consider the best mode of providing the means to meet it. This was the principle stated by the Right Honourable Gentleman, himself, before the Finance Committee.

In reply to a question put to him, the Right Honourable Gentleman stated that he objected to dealing with the question of income until he had first determined upon that of expenditure. But now the Right Honourable Gentleman being on the opposite side of the House, has inverted his position, and has called upon the Chancellor of the Exchequer for his estimates of income long before the probable amount of expenditure could possibly be determined. Even when my Noble Friend Lord Althorp did bring forward his early financial statement at a time when it signified little even if he mistook in his calculation to the amount of a million, he expressed the difficulty he had in giving anything like an accurate calculation — a calculation upon which the House could rely; and certainly this difficulty, if it existed at that time, must be much greater, now, than it was then. The Right Honourable Gentleman has alluded to some of the difficulties which have obscured the prospects of the commercial world for some time past; but I will ask, have these prospects entirely cleared up? or, at all events, does not the Right Honourable Gentleman himself know that it is a principle that has been generally acted upon, that it is with reference to the prospects of commerce at the opening of the spring trade, that the finance Minister must, in a great measure, found his views as regards the probable productiveness of the Customs and the Excise? With respect to the Post Office, I can assure the House that nothing but a sense of public duty would induce me to withhold any information from the House on that point; but from a sense of what is due to the public service, I must decline to accede to the Right Honourable Gentleman's request, as to this particular, on the present occasion; and as I consider it my duty not to put on paper any answer to the Right Honourable Gentleman on this matter, so I shall also take care not to be led by the Right Honourable Gentleman's seductive arguments on this part of the case to give him the information in any other way, by entering into any other argument.

[Loud cries of "Hear, hear!"]

Those cheers from the other side with which this observation has been met, convince me that it is not entirely without intention that these lures were held out, and that, even if Honourable Gentlemen opposite were not convinced that they should embarrass Government by demanding these Returns, the Right Honourable Gentleman thought he might practise upon the inexperience of the new Chancellor of the Exchequer, and obtain that information, in the course of his speech, which he, perhaps, would not obtain otherwise, but which he wanted to possess, that he might use it for his own purposes. In what I have now said, I know very well I am exposing myself to numerous attacks from the other side of the House; I can see this in the smiles of the Honourable Gentlemen who sit opposite. I know I have so far placed myself to a disadvantage; but I know, also, that it is my duty not to be led into any such discussion: and while I feel that I am fulfilling that duty, I am altogether careless what present advantage may be taken of me by Honourable Gentlemen opposite. The information respecting the Post Office will be laid on the table of the House in the Returns which I, myself, have moved for; and until these are before us, the calculations of the Right Honourable Gentleman can have little weight. With regard to the early introduction of the universal low rate of postage, I felt it my duty, as Finance Minister, to place the Post Office question, at the earliest possible period, in such a position, that Parliament might have some months' experience of the working of the measure before I laid the financial statement of the year before them. There are plenty of reasons why I should, and might, have postponed the introduction of the low rate. I admit, that many of these reasons were strong and cogent, and I admit that it was objectionable to introduce the change in an imperfect state, at a time when the change involved inconvenience to the public service, and partial inconvenience to the public at large; but I so strongly felt that it was my duty not to evade the question, and so decidedly felt it to be expedient that there should be some months' experience of the new system before the House came to consider the financial statement, that, despite the obloquy to which I might be subjected in various quarters, I deemed it my imperative duty to introduce the change, when and as I have done, even though I admit the plan to have been in an incomplete state. I mention this to show that, at any rate, in this respect, there has been no attempt on the part of Government to evade the question of deficiency of revenue. With respect to the point which the Right Honourable Gentleman has so much pressed, it would be quite impossible for any man at the present moment to come to any fixed and fair estimate of what the result of this experiment will be.

The course which the Right Honourable Gentleman has pursued, is one which has never been pursued before, and one which is quite contrary to the principles on which public income and public expenditure ought to be balanced, not to mention the peculiar difficulties presented by the present state of the mercantile interest. Indeed, I cannot understand in what mode the Right Honourable Gentleman would wish his estimates to be framed. I know on what principles a Chancellor of the Exchequer is generally understood to come down to the House with his financial statement. He considers what he, on his own responsibility, should state to the House as to the extent to which the House might fairly go, and is not to be held responsible for the accuracy of particular figures; but he is—for not overstating the amount of income, ;—he is for stating fairly those grounds which may enable Parliament and the country to come to a just conclusion with respect to the finances of country. If the Right Honourable Gentleman were to go to the different departments to ascertain the probable revenue, I do not know on what figures he is to rely.

The Right Honourable Gentleman has further alluded to the course taken by Government respecting the general debt of the country, and he has adverted, to a statement made by a Noble Lord, a member of the Government, in another place. Moreover, the Right Honourable Gentleman praised the Government of which he himself formed a part; and with respect to the official course of the Right Honourable Member for Cambridge, sitting near him. He alluded especially to that Right Honourable Gentleman, and threw out some observations as to the course which had been pursued by former Administrations. Now, I am quite ready to admit that the Right Honourable Gentleman opposite had it in his power to reduce the debt, and that he availed himself of that power; and much of his reductions he effected, by converting permanent debt into terminable annuities. I would call the attention of the House to what has really been the course pursued,—to what has been the increase and diminution of the debt under the Administration which followed that of the Right Honourable Gentleman. Now, it is no part of my object, at present, to find fault with former Administrations, but to speak of what has been done since the accession to office of the Whig Government; and with regard to that point, I hold in my hand a statement to which I shall venture to call the attention of the House. On the 5th of January, 1831, the amount of funded capital was 757,486,997*l.*; on the 5th of January, 1839, the amount was 761,347,690*l.*, showing an increase of the funded debt of 3,860,693*l.*; on the 5th of January, 1831, the amount of capital unfunded was 27,271,656*l.*; on the 5th of January, 1839, it was 24,655,300*l.*, showing a decrease of 2,616,350*l.*, and showing together, a total increase of capital debt of 1,244,343*l.* Thus stood the course of the Whig Government, which had difficulties to deal with which no other Government had had to sustain. I will now allude to one of these circumstances peculiar to this Government, and which imposed a difficulty on this Government to which former Governments were not subject. There was an addition, under their administration, of not less than 20,000,000*l.* to the public debt, but this was effected not by any financial arrangements of the Ministry — not by any of the mismanagement of which that Right Honourable Gentleman talked so much, but it was incurred for the purpose of freeing hundreds of thousands of our fellow-men from slavery, and paid as compensation to the West Indian planters for the emancipation of their slaves.

The Right Honourable Gentleman has stated that I am bound to take on my shoulders the responsibility of those who preceded me in office. I hope, however, that the obligation will be reciprocal, and that the Right Honourable Gentleman will take upon his shoulders the responsibility of the large addition to the public debt made by those Tory Administrations which preceded that of the Whigs. Be that as it may, I am willing to take my share of any blame that may be attributed to those who passed the Negro Emancipation Act; and I would rather bear that blame, and be open to the imputation of having increased the public debt, than I would have diminished that debt by refusing to do what justice and humanity so loudly demanded. But let it not be forgotten that, notwithstanding this very serious addition of 20,000,000*l.* on account of compensation claims, there was, on the 5th of January, 1839, an increase on the capital debt of only 1,244,343*l.*; and if the 20,000,000*l.* additional were not taken into the calculation, so far from an increase, there would have been a decrease of 18,755,657*l.* It seems that I am to be held responsible for all that Lord Monteagle may have done during three years of difficulty, but that I am to assume nothing for what was done under Lord Spencer! How stood the case in 1836? On the 6th of January, 1836, the amount of funded debt was 758,549,866*l.*; on the 5th of January, 1840, it was 766,547,684*l.*, showing an increase on capital of 7,997,818*l.* The unfunded debt amounted, on the 5th of January, 1836, to 29,954,335*l.*; on the 5th of January, 1840, it amounted, including the addition of 1,000,000*l.*, to 21,688,375*l.*, showing a diminution of 8,265,960*l.* If this decrease of the unfunded debt be compared with the increase of the funded debt, it will appear that, upon the whole, there is a decrease in the amount of both capitals. So far, therefore, from having increased the debt, it appears that my Noble Friend (Lord Monteagle), during his financial career, diminished the total amount of the funded and the unfunded debt. A Government is usually liable to attack on the ground of expenditure. Upon that ground I have not to complain of Honourable Gentlemen opposite; for if any increase of income has at any time been pressed upon the Government, it was probably more owing to Honourable Gentlemen opposite than to any other cause. The Government have not been encumbered in their estimates by Honourable Gentlemen, on the other side, attempting to reduce them, because Honourable Gentlemen opposite were never too ready to cut down the estimates; but, on the contrary, were always anxious to prove that the service of the country could not be carried on with so small an expenditure as that which the Government from time to time proposed.

Such being the case,—the Government not being urged to economy by the Opposition, but rather the reverse, — I will compare the army, ordnance, navy, and miscellaneous estimates for the years 1828, 1829, and 1830, three years of an Administration which, on the contrary, has generally received the praise of having attended to economy, with the average of the estimates for the same services, and period during the nine years of Whig Government. The average of the estimates of the army, navy, ordnance, and miscellaneous services for the years 1828, 1829, and 1830, was 17,350,871*l.*; whilst the triennial average for the nine years of Whig Government, from 1831 to 1839, whilst Lord Althorp and Lord Monteagle were Chancellors of the Exchequer, inclusive of the Canada grants, was 15,461,688*l.* Now, if the Right Honourable Gentleman attacks Lord Monteagle's administration alone, he will find that the average during the time my Noble Friend was Chancellor of the Exchequer was 15,372,216*l.*, or nearly 2,000,000*l.* below the average of the expenditure in the same branches in 1828, 1829, and 1830. Even during the last year for which this information could be obtained, including the additional 1,000,000*l.* on account of Canada, the amount is but 17,219,692, which was still below the average of the Government of the Right Honourable Gentlemen opposite. It may be said that these estimates came under the observation of Parliament, and therefore that the vote of Parliament contributed to the reductions. But is this the only respect in which, during the nine years of Whig Government, attention has been paid to the expenditure of the country? I am not now going into details of particular reductions in this office or in that office, but will content myself with one great point, — namely, the difference between the amount of revenue actually received, and the amount paid into the Exchequer. In the last year before the Whigs came into office, I find that the difference between the amount collected and the amount paid into the Exchequer, without taking into account drawbacks, was 4,875,000*l.* and odd. I find that, in 1839, the last year of which the account can be got, the difference amounted to only 4,042,000*l.*, showing a reduction of 833,000*l.* in a sum under 5,000,000*l.* There may be one other point to which I ought to advert, but the Right Honourable Gentleman has relieved me from the necessity of touching upon it, — I mean the prospects of the country.

The Right Honourable Gentleman, in whose views I fully concur on this point, has stated that there has been a temporary depression arising from temporary causes, but that he looked to the prospects of the country with sanguine expectation that those difficulties would be only temporary, and a conviction that none of its real resources are diminished. Now, I consider that the product of the customs and excise is, probably, the best criterion of the state of the country; and it appears that in 1830 they amounted, together, to 36,184,000*l.*, and in 1839 to 35,093,692*l.*, showing little alteration. The total of the income of 1830 amounted to 50,000,000*l.*, and of 1839 to 47,844,000*l.* Without taking into consideration the reductions made during that period, when I look to the produce of the revenue, I find that it has kept up in a remarkable manner; and when I remember the reductions of taxation during that period, which it would be very difficult actually to estimate, but which was upwards of 6,000,000*l.*, independent of the Post Office, I cannot but consider it as a conclusive proof that the resources of the country are uninjured. During that period there has been, not only the reduction of 6,000,000*l.* of taxation, but the public have been enabled to bear the additional burden of the 20,000,000*l.* for the emancipation of the negroes, and the interest upon it of about 750,000*l.* a-year; and this new burden has been borne without any additional taxation.

With regard to the Post Office, it is, on the present occasion, unnecessary to fight over again the battle which we fought in the last Session of Parliament. But I will briefly state the ground upon which the measure was carried. It was never concealed from the House or from the public that it was not any ordinary revenue transaction. It was a case in which great and important grounds alone could justify the experiment. What were those grounds? Was it not admitted on all hands that the reduction of postage would be one of the greatest blessings that could be communicated to the public at large, with regard to commercial interests, to domestic and social purposes, to friendly intercourse, to the advancement of literature and science, and even to religious communications? The clergy were among the most anxious promoters of the scheme; and from the clergy more, perhaps, than from any other class, I have received acknowledgments of its being a benefit of the utmost importance. This is not all. Was it not a most appalling fact which appeared before the Committee, who examined all the various bearings of this question, that from one end of the country to the other, with every class and under all circumstances, there was a conspiracy to cheat the revenue? Was it, then, a mere revenue question? Was it not a question well worth consideration, whether, by taking away a portion of revenue, we could give those great benefits to the country which I sincerely believe will follow upon the measure, and will also remove the great calamity to which I have referred; for I can conceive nothing worse than that a whole people should be united to break the law. The Right Honourable Gentleman has been extremely facetious upon the subject of the resolutions moved by my Noble Friend (Lord Monteagle) last year. I will not conceal my opinion, but state frankly what I consider to be the effect of those resolutions. I think my Noble Friend was perfectly justified when he took upon himself, as a Finance Minister, to bring forward the measure of reduction — in bringing, at the same time, in the most solemn and distinct manner, under the cognisance of Parliament and of the country, the alternative which, possibly, or probably, would arise from the adoption of that measure. I do not think a Finance Minister would have been justified, when he saw that a defalcation in the revenue would be the consequence of his proposal, in not declaring, if such should be the event, that a new tax must be imposed. A Minister in such a situation is bound to bring forward, in the most open manner, the alternative in case of defalcation, and then to ask whether Parliament would, on such terms, consent to the reduction. I believe that the public ought to be consulted as to the mode in which money is to be taken out of their pockets. I believe they are the best judges of the mode in which taxation ought to be made: and if they were of opinion that the Post Office tax was exorbitant, and pressed upon their comfort, the interest of their commerce, their social intercourse, they were perfectly justified in desiring to have it altered. I believe that throughout the country the people will be prepared, in preference to suffering the re-establishment of the Post Office rates, to make an equivalent, — such an equivalent as may be necessary to make good the deficiency.

So far I concur in the course of my Noble Friend. But I am perfectly certain, neither the words of the resolution nor the Act of Parliament introduced any new duty to this House, or created any new obligation. It is the duty of the House to furnish, for the public service, what is absolutely necessary — to keep faith with the public creditor — to give to the establishments of this country sufficient force to protect its commerce and to keep up its national honour. If, unfortunately, it should turn out that, without resolutions or Acts of Parliament, the House or the country should be so lost to all those feelings, as to be willing to see the public service starved, and the public establishments sink to such a condition that neither the honour of the country abroad nor its commerce at home could be defended, — or (what I shall never anticipate) that the House should be willing to break faith with the public creditor, — then, I admit, that such a pledge as that given by Parliament last year would be of no force, and must be considered as waste paper. But I have better expectations than that this can happen. My Noble Friend in the other House and my Noble Friend in this House stated, without any of the subterfuge or systematic evasion of which they are accused, the course they would pursue. For myself, as long as I hold the office which it is now my fortune to hold, I shall not shrink from the task — however unpopular it may be — of calling on the House to redeem that pledge which I consider it is bound to redeem, and to provide for what is required for exigences of the public service.

Mr. GOULBURN. — Sir, my Right Honourable Friend who opened the subject has so fully and completely stated the grounds on which this question rests, and the Right Honourable Gentleman opposite has offered so little in opposition to them, that I shall feel great difficulty in doing more than replying to a few of those minor topics which the Right Honourable Gentleman seems to consider as a sufficient answer to the motion before the House. The Right Honourable Gentleman has concluded his speech by professions, to which if he adheres, he will receive the approval of every Member of the House. The Right Honourable Gentleman has told us that it is the duty of the House to keep up the equality of the revenue and the expenditure; to furnish what may be necessary to maintain the establishments of the country; to uphold public credit, and to preserve respect to the national honour both at home and abroad. In the principle, so laid down, I most cordially concur. It is a principle which I have often endeavoured to impress on the Government, and which I now rejoice to find adopted by the Right Honourable Gentleman at the commencement of his financial career; and if the Government and the two Houses of Parliament adhere to that principle, I, for one, entertain no fear as to the result. But the Right Honourable Gentleman further tells us, that if the House did not concur in those opinions, it would be lost to every proper sense of duty. I must, however, take leave to say, that it is not upon the House alone that the maintenance of those principles and professions depends. If the Government, as they ought to, and must, have the lead in the two Houses of Parliament, manfully adhere to those principles, I entertain no fear for the House of Commons. But if, commencing a financial career with high-sounding principles, the justice of which no man can deny, the Right Honourable Gentlemen shall afterwards be found departing from those principles, until the revenue cannot maintain the establishments of the country, the House will be placed in the double difficulty of not only having to act on their sense of duty, but also to fight against the resistance and misconduct of Government. If I do not give absolute credit to the Right Honourable Gentleman, I have good ground for expressing some doubt. I well remember that the late Chancellor of the Exchequer (Lord Monteagle), when he entered upon his financial administration, made professions exactly similar to those which the Right Honourable Gentleman has now made. He told the House that it was most important to avoid a deficiency of revenue, but that it was indispensable to maintain a surplus, without which there could be no reduction of taxation; but, before he left office, that Right Honourable Gentleman abandoned every one of those principles. Instead of a surplus, he had for years a large deficiency; and he consented to repeal a tax in the face—not even of a small surplus, but—of an enormous deficiency. Finally, he left the finances of the country in such a situation that there is no alternative, in the opinion of the Government themselves, but to impose new taxes to meet the deficiency which has been thus increased. I do not wish to censure that Noble Lord (Lord Monteagle) in his absence, but what I have said I will justify by the very words which were used by that Noble Lord when, as Chancellor of the Exchequer, he brought forward his first budget. Now let the House listen, and judge, from the result of the past, how far reliance is to be placed on similar professions for the future. On the 14th of August, 1835, being that period of the year when the late Chancellor of the Exchequer generally thought fit to favour us with his financial expositions, the Right Honourable Gentleman said,—

> Let not Honourable Gentlemen assume, because it might appear from the existence of an apparent surplus of 835,000*l*., that therefore it would be competent for me to propose, or that it would fall within the bounds of my duty to acquiesce in, a remission of taxation to that extent. Would to God, Sir, that it were! I can assure Honourable Gentlemen that there is no portion of the duties which a Chancellor of the Exchequer is called upon to perform that can be so agreeable to his feelings as making a proposition to Parliament for the repeal of an unpopular tax. And if those who are charged with the finances of the country find themselves compelled to resist applications of this nature pressed from time to time on them, Gentlemen ought in justice to believe that such official resistance is always reluctantly made, and that it can only be from a sense of duty that a Minister is induced to make a stern and determined stand against the proposed remission or reduction of taxation, and that he will only do so when he is convinced that such reduction or remission is fraught with danger to the permanent interests of the country.*

The Right Honourable Gentleman was then urged by the Honourable Member for Kilkenny, who was, at that time, Member for Middlesex, to take off a portion of the duty on tobacco, on the ground that that particular branch of revenue would be thereby increased; and what was his reply?—

> Why, Sir, there is no experiment I should make with more pleasure than the experiment of reducing taxation for the purpose of increasing consumption. But I dare not make such an experiment at the hazard of shaking the credit of the country. When we have a *bonâ fide* surplus to deal with, then it may be right so to apply it. But we ought not to venture on such reductions, if by making them we place at risk too large a proportion of the public revenue.

This declaration referred to the reduction of a tax then amounting to about 800,000*l*. The same opinions were annually repeated by the Right Honourable Gentleman in 1836, 1837, and 1838; but, in 1839, in the face of a deficiency of revenue greater than had ever before existed,—he came down to the House to propose a remission of taxation, not of 800,000*l*. but of a branch of revenue producing 1,600,000*l*. Therefore, when I find the Right Honourable Gentleman commencing his financial career with high-sounding declarations, I think I am justified in looking upon those declarations with an eye of suspicion arising out of the conduct of the Government to which the Right Honourable Gentleman belongs. If, therefore, I venture to express some doubt of the reliance to be placed on the declaration now made by the Chancellor of the Exchequer, I think I have some grounds for that doubt. The Right Honourable Gentleman (the Chancellor of the Exchequer) has cautiously avoided stating to the House the real accounts which this motion proposes to call for. He has asked, How can the Right Honourable Gentleman expect an estimate of the income of the country at this period of the year? He says to us, "You always maintain that we should first settle the expenditure, and then consider the income which may be necessary." The Right Honourable Gentleman thus taunts us with having abandoned our principles. But the motion, in reality, implies no abandonment of our principles. It does not require an estimate of the whole income;—what it requires is, an estimate of the produce of the Consolidated Fund for the year, on a principle distinctly not applicable to the general account of the income of the country. The Consolidated Fund is charged with certain permanent payments, the discharge of which is essential to the credit of the country. We know that there is a great deficiency in the revenue, — the Chancellor of the Exchequer himself telling us that his means are deficient to the amount of 2,000,000*l.*; and we wish to know and see how far the Consolidated Fund will be adequate, in the ensuing year, to meet the additional charges upon it. There is one circumstance which gives us a specific right to have such an estimate. When the Right Honourable Gentleman's Noble Predecessor in office (Lord Monteagle) came down, last year, to the House, almost at the last day of the Session, and proposed a loan of 4,000,000*l.* for the purpose of funding a similar amount of Exchequer bills, the Noble Lord was asked how he meant to provide for the interest of that loan? What was the Noble Lord's answer? He said he had a Bill to introduce with respect to the Bank of Ireland, which, when passed into a law, would give him 85,000*l.* a-year to pay the interest of the loan. The Right Honourable Gentleman opposite, perhaps, has forgotten that, like all other measures of the present Government, the Bank of Ireland Bill was thrown out,— or, rather, abandoned, — as the price of support from those who insisted on its rejection. Thus, the contemplated means of paying the interest on the loan were lost, together with the Bank of Ireland Bill itself. Under such circumstances, have we not a right to demand a statement of the income of the Consolidated Fund? The Right Honourable Gentleman has also stated that there is no precedent for the present motion. Now, I wish to understand from the Right Honourable Gentleman whether he really means to rely on such an objection as a ground for refusing his assent to this motion; because, if that be his only objection, I shall have but little difficulty in removing the Right Honourable Gentleman's scruples on that head. I think I can convince the Right Honourable Gentleman that what we ask him to do in the present instance is, to adopt a course to which other Administrations have acceded. I could easily adduce many precedents in favour of the course proposed; but I will content myself with furnishing the Right Honourable Gentleman with but one or two on the present occasion: at the same time, I may be allowed to say that, even if there were no precedent to be found in the annals of Parliament, the present circumstances would, of themselves, be sufficient to make one. If the Right Honourable Gentleman, contrary to the general custom on his side of the House, wishes to appeal to "the wisdom of our ancestors," I will show the Right Honourable Gentleman what that wisdom has been. In 1803, a period of some difficulty, at the close of the war, when our financial operations were very much embarrassed, a Bill was introduced into this House, making considerable alterations in the Customs; and in the course of the discussion which ensued, it came to be questioned how far the proposed alteration in the law would affect the permanent interests of the country. A motion was made, on the 15th of June in that year, for an account of the computed annual interest of the Consolidated Fund as it would stand under the proposed alteration in the law, and this account was ordered without hesitation or opposition.

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* See MIRROR OF PARLIAMENT, Sess. 1835, vol. iii. p. 2513-14.

But the Right Honourable Gentleman, perhaps, requires to hear of a more recent precedent. I will, therefore, now come to 1823; although, haply, the Right Honourable Gentleman will contend that the Earl of Ripon's statement is no precedent, as it supplied merely a low and general outline of his expectations, without any specific account. But was that the fact? The Earl of Ripon made a great alteration in the taxation of the country in 1823, and in the course of the discussion which ensued on the introduction of his plan, the question was put as to how far that alteration would affect the Consolidated Fund? A motion was made on the 7th of March, 1823, — an early period of the year, when all the difficulties connected with the spring trade were in existence, and when neither the imports nor exports could be ascertained. The Right Honourable Gentleman will, perhaps, tell me that that motion was made by some active Member of the Opposition, who wished to show his hostility to the Government; but be that as it may, the motion was made, as follows: — "That there be laid on the table of this House, an estimate of the probable future income of the Consolidated Fund, after allowing for the taxation to be reduced in the present Session, and after the annual charges upon the same." Now, this is exactly the motion of my Right Honourable Friend. If, therefore, the Right Honourable Gentleman intends to be guided by precedent, there are precedents enough for the motion; but the question, as I have said before, does not rest upon precedent. Precedent may be appealed to by those who wish to avoid the real merits of the question; but it has, in reality, nothing to do with the case. The question for the House to decide is, whether it is consistent with the due discharge of our duty to our constituents, and to the country — whether, in short, it is right, just, and reasonable, that we should have, at the present early period of the Session, an estimate of the income of the Consolidated Fund, with the view of making up our minds as to the nature of the preparations to be adopted with regard to any emergency that may occur, and of placing the finances of the country on a respectable footing. I might have contented myself with saying, with regard to the propriety of this motion, that it has generally been the practice to postpone motions relating to finance until later in the Session; but the Right Honourable Gentleman has himself afforded the strongest reasons for demanding the production of these papers, because he has told us, at once, that he does not intend to bring forward his financial statement for some months. He has boldly and manfully stated that his reason for making the change in the postage on the 10th of January was, that he might have some months' experience of its working before he made his financial statement. It is quite evident from this, that we shall have to wait some months for that statement. If, then, my Right Honourable Friends are to wait for that time, what hope can there be that we shall be able to effect any good, after being kept so long in ignorance of the state of our resources, and of their adequacy to meet the exigencies of the public service? A subject of the greatest importance will thus be brought forward at a late period of the Session, when Honourable Members will have neither time nor opportunity for observation or reflection upon its bearings. It is admitted upon all hands that the finances of the country are, — to use an expression of the First Lord of the Treasury, — in a state which is "extremely disagreeable" ——

[Laughter.]

which means, when translated into plain English, a state of considerable difficulty and danger. If such, then, be our position, I ask of every man who hears me, whether, it is not most advisable, under the present circumstances of the country, to let this House know, and, through this House, to let the country know, the exact position in which our finances are placed? A declaration has been made by the Government, which was open, candid, and manly — I admit that; but which, at the same time, has created a great deal of — I trust exaggerated—alarm; and there is no better mode for calming the anxiety that has been produced by that declaration, than by bringing before us the state of our affairs, showing us what is really the income of the Consolidated Fund, and removing the doubts which may prevail as to its capability of paying the charges that will fall upon it. I am far from being one of those who entertain any fear or alarm as to the capability of the resources of this great country to meet any difficulties that may beset them; but in proportion as those resources are great, in the same proportion ought the Government to have — and to show that it has — the fullest confidence in their efficiency, and to abstain from refusing its consent to a motion, of which the object is, to place before the country the real state of its affairs. I do earnestly entreat the Government, then, to lay before us the condition of that important branch of our finances, — the income of the Consolidated Fund.

The Right Honourable Gentleman opposite has, in allusion to some observations that fell from my Right Honourable Friend, thought it necessary to refer to what has been done, with respect to the reduction of the national debt. The Right Honourable Gentleman took credit for the administration to which he belongs, that they have left the funded and unfunded debt pretty nearly as they found it. This has been the course for the last four years. But I must say, that it is not satisfactory to my mind, nor can it be satisfactory to the mind of any man who considers the subject, that, during four years of continued peace, no progress has been made in the reduction of the debt of the country; and it must be less satisfactory to know, that, while no progress has been made in the reduction of the capital of the funded and unfunded debt, taken together, there has been an increase of annual charges on the debt, which amounts to one million of money. If we look to the charges on the debt in 1835, as compared with the charges on the debt to the year 1840, we shall find the augmentation of the charges to be from 28,700,000*l.* to 29,450,000*l.*, being an increase of 750,000*l.*, showing, that whilst we are making no exertions for the reduction of the debt, we are imposing, every year, fresh burdens on the country. When I see this, I say that unless our system be altered, we must arrive at a time at which we cannot but sink under the weight imposed upon us. The Right Honourable Gentleman has, in defiance of the Whig Administration, gone back to the year 1831; although the House has less to do with that period than with that which has more closely preceded the present moment. I admit that there has been an increase to the debt, on account of the abolition of negro slavery; but that affords an additional reason why we ought to make increased exertions to reduce the debt. We ought to calculate and to be prepared for such emergencies. We have in one year an increased expenditure, on account of the emancipation of slaves; in another, we have the expenses of an army in Canada; and in another, we have to maintain our authority in a distant possession, or to defend ourselves at home from the encroachment of some enemy; but if we go on making loans, and adding to our debt, and never look to the means of reducing it, though we may avoid ruin ourselves, yet we shall thus entail it upon posterity. The Right Honourable Gentleman, opposite, in comparing the administration of the Duke of Wellington with the present, remarked, that the Duke of Wellington had not to pay 20,000,000*l.* for the emancipation of the negroes. I know that the Duke of Wellington had not to do that; but, then, let us look to a Return made by the late Chancellor of the Exchequer himself on this point, and we shall find that the debt, which on the 5th of January, 1828, was 777,000,000*l.*, was in 1831 reduced to 757,000,000*l.*—that is, that there was a reduction of the debt in three years to the amount of 20,000,000*l.*; so that it is evident, that if the Duke of Wellington had been called upon to pay 20,000,000*l.* for the emancipation of the slaves, he would have been much better able to do so than the Right Honourable Gentleman opposite, and could have done it with a due regard to the security of the resources of the empire, and without imposing fresh burdens upon the people. The Administration of the Duke of Wellington considered that it was during times of prosperity and peace that there ought to be a reduction of the debt. I do not, then, shrink from a comparison between that Administration and any other which preceded or has succeeded it. I will not, upon this occasion, enter into any argument as to the comparative expenditure of the country at the periods referred to by the Right Honourable Gentleman, because I know how irksome it is to the House to listen to long and dry details of figures and calculations. I will not contend for the reduction in the collection of the revenues, effected by the Duke of Wellington, because I will read a paragraph from a speech made by the present Lord Monteagle in 1835, whose authority upon such a question must be considered indisputable, and I will then leave it to the House to decide, whether or not the Duke of Wellington had not at that time very greatly reduced the expenditure of the country. Lord Monteagle, then Mr. Spring Rice, said,—

> It must be clear to every Honourable Gentleman who heard him, that every reduction that had heretofore been made, rendered it more and more difficult to carry reductions further. He acknowledged, with the greatest readiness and pleasure, the reductions made by the Government of the Duke of Wellington, and the difficulty created by them of carrying reductions further.

I do not deny that the Honourable Gentlemen opposite have earnestly endeavoured to carry reductions further; but I say that we have the authority of Lord Monteagle himself to show, that at the time he made these observations, it was difficult for the Government of which he was a Member to discover any means by which reductions could, with safety to the public service, be carried further than the Duke of Wellington's Government had already carried them. As to the question of our expenditure at the present time, I shall not now enter upon it; but I wish to say one or two words on the Post Office question. The Right Honourable Gentleman, the Chancellor of the Exchequer, has said that it is not to be considered as a question of revenue, but as a measure that has conferred the greatest blessings on society, and one calculated to prevent the universal conspiracy that previously existed to cheat the revenue; and that therefore the reduction was proposed to Parliament by the Government. Now, I beg the Right Honourable the Chancellor of the Exchequer to recollect the arguments that were used on this side of the House upon that subject, and which did not deny that great benefits might result from the reduction of the rates of postage. We said, as Her Majesty's Government said when a reduction on tobacco was proposed—"Do not now bring forward the repeal of the tax, without telling us how any deficit that may accrue to the revenue is to be made up." I recommend the Right Honourable Gentleman to look back to the time when Mr. Pitt, having at the same time to contend with all the difficulties of the American war, and with great objections then raised against the revenue derived from the duty on tea, came down to Parliament and coupled his reduction of the tea duty, with a distinct statement of the duty which it was his intention to propose as a substitute and equivalent for it. Mr. Pitt left it to Parliament to choose between one tax and another; and what Her Majesty's present Government ought to have done in the instance of the Post Office reduction, was, to have come down to the House and have submitted some other specific tax for its consideration, equivalent to that derivable from the postage, and have left it to the House to decide between them.

[Cries of "Hear, hear!" from the Opposition benches.]

The Right Honourable Gentleman says, that he knew that there would be a probable defalcation caused by the remission of this tax: but it is not a question of probability at all. If it were only a question of probability, there might have been some reasonable ground for a pledge on the part of the House to make good a probable deficit; but there was, at the moment the reduction took place, an acknowledged deficiency in the revenue which we had to make up, and yet Ministers did not dare to face the difficulty; but, for the sake of a little popularity, they repealed a tax, and embarrassed the country, by endangering the finances, and exposing us to the loss of one tax, at a time when we could not afford it, and to the necessary imposition of another at a time when there is an outcry against all taxes whatever. With respect to the motion now before the House, I have shown, then, that so far as precedent is concerned, we have direct and precise precedents for the course for which my Right Honourable Friend contends. We have the example of two successive Administrations acceding to a motion, calling on them to state the income of the Consolidated Fund; and if this motion be now refused, the present Government will have the merit of being the only one which, when such a motion was made, has ever thought it necessary to keep from the country the real state of its finances. It may appear to the Government to be their conscientious duty to refuse this motion; but, in common with every one who knows the finances of the country, and who is desirous of remedying the evils under which, it is admitted by the Government, that it labours, I must give my voice in favour of bringing to the public view this great branch of the national revenue; and this apparent wish of Her Majesty's Government to conceal from this House and the country the real state of affairs, until some unforeseen circumstance or other shall place them in a better position than they are at present.

Mr. HUME.—I have, Sir, to complain, that those who, on both sides of the House, have taken part in the present debate, have wandered away from the real object of the motion. In my opinion, the country ought to be obliged to any man who brings before it the real state of its revenues, or who endeavours to keep down the expenditure, so that it shall not run beyond the means of meeting it. Hitherto we have been afraid to look the difficulties of the country in the face; but the time has at length arrived when we ought at least to be prepared to encounter the effects of the position in which we are placed. Of what advantage is it that we should be told of what was done in 1831 or 1832, in comparison with the present time, when we have not the facts before us upon which we can come to a just conclusion? It is of no use to hear statements made, as to the increase or decrease of our financial income, unless we have the real amount before us. It is very well to talk of an expense of 20,000,000*l.* incurred in purchasing the emancipation of the slaves; but the increase of the capital of our debt was last year between three and four millions, and no man can possibly say that any fair conclusion can be come to, at this moment, as to what the capital of the debt may now be. We want that information which can alone enable us to judge. We are going on, from year to year, risking public credit, and with a constantly increasing deficiency of revenue; and will any man be so bold as to tell me that we have this year any prospect of a less deficiency than we have had for the last few years? Are we, then, to conceal from ourselves the real difficulties of our position? We must come to a reckoning at some time or other; and why should we now be afraid to meet those difficulties, at once? We have a deficiency which has increased to 6,000,000*l.* in three years, and, to add to our embarrassments, we are bound to consider what has occurred in China. A large portion of the Irish nation, too, has left off drinking whiskey; so that there is, under that head, to be expected a deficiency of at least half a million in the year. I have seen an account of 10,000 persons in the town of Kilkenny having ceased from drinking whiskey, and I understand that 10,000 more in the county have pledged themselves to Father Matthew not to taste whiskey, again. If that pledge be kept, as I believe it will be, in Ireland, then there will certainly be a deficiency to the amount I have stated. Every one knows that the revenue has been in a bad state for the last twenty years; and, during the whole of that time, no one measure has been passed, for which I can give any Government greater credit, than I assign to the present Government for having carried through Parliament the Penny Postage Act. I have never concealed from myself, or others, that there would be a deficiency, in consequence, in that branch of the revenue; and it may be true that the measure may prove a failure, and that we may, in the end, be seriously disappointed as to the amount of the loss we may sustain by it; but I consider that it is a measure worthy of support, and that, even if the whole revenue derivable from that source were lost, it would still be, on the whole, a great gain to the country, and that the Honourable Gentlemen opposite will not greatly advance their own cause by upbraiding the Government for carrying it. It is calculated, by the most sagacious supporters of the penny post, that it will take three or four years to make up the deficiency caused by that measure; but still it is, in my opinion, of such advantage to the public in general, as wholly to counterbalance any temporary deficit that may be occasioned by it. I think that the Right Honourable Gentleman opposite has not fairly accused the present Government of neglecting the finances of the country; for if the Right Honourable Gentleman had only looked at the papers which I now hold in my hand, he would have found that, so far from any man having cause for distrusting the resources of this country, the revenue has been in a better state for the last year than it has been in for nine preceding years, and that it has kept up, in spite of all the adverse circumstances with which it has had to contend. I find that, in 1833, the revenue of the country was 46,000,000*l.*; in 1836, — an extraordinary year, and which ought scarcely to be taken into the account,— it was 48,000,000*l.*; and in 1838 it was 47,000,000*l.* But what right have Honourable Gentlemen opposite to upbraid Her Majesty's Ministers with any deficiency that has arisen? It has been said that the estimates have been increased: but who increased them? When have the Honourable Gentlemen opposite done anything but stimulate extravagance? When did they support any economical proposition?

Mr. GOULBURN. — We supported, the other day, the proposition to reduce the vote of 50,000*l.* to Prince Albert to 30,000*l.*

[Cries of "Hear, hear!" from the Opposition.]

Mr. HUME. — True: but did you support my amendment to reduce it to 21,000*l.*? I would have given you some credit for sincerity and principle if you had supported me on that occasion. For my own part, I can only say that I would much rather vote for 30,000*l.* than 50,000*l.* any day; and I did so, when I found that there was no chance of carrying my own proposition. But let me ask whether, going back as far as November, 1830, there has been any one Gentleman on the opposite benches who has pointed out any means by which our increased expenditure might be prevented? Have you ever assisted me in any attempt to reduce the estimates? You may have done something on the Jamaica Bill,——

[Cries of "Hear, hear!" from the Opposition benches.]

— but how did you act on the Canada question? On the heads of the Honourable Gentlemen opposite be the blood that has been and may yet be shed in Canada, where hundreds of persons have lost their lives, and where there was last year, alone, an expense incurred of at least 1,000,000*l.*; and so far as I can learn, the expense of this Canadian conflict will not cost this country less than 5,000,000*l.* Now, who are to blame for that? Honourable Gentlemen opposite may fancy that they can throw the burden off their own shoulders, but I assure them they cannot do so; and Mr. Poulett Thomson is now able to offer those terms to the Canadians which they have ever sought for, and which the Noble Lord on this side of the House refused to them, as well as the Honourable Gentlemen on the opposite side. I make no distinction whatever between the two parties; they have been guilty, with respect to Canada, on both sides of the House. For my own part, I hold myself, and those with whom I have acted upon that question, to be altogether blameless.

[Ironical cries of "Hear, hear!" from the Opposition benches.]

I will, however, say no more than this, upon that subject, that the enlargement of the establishments urged upon the Government by the Honourable Gentlemen opposite, on that occasion, was utterly uncalled for. It is a course of conduct such as this I have described which has led to our present difficulties; and I consider that that is the proper footing upon which to put this question. There is no want of resources in the country; all our difficulties are to be ascribed to the extravagance of this House. As to our having a surplus, I must say, from past experience, that whenever I have found a

Chancellor of the Exchequer with money to spare, I have at the same time always found him extravagant; and the only way to keep him economical is to keep him short of money to spend. If that course be adopted, I have no fear for the resources of this country. I have ever endeavoured to reduce the expenditure, and to maintain the revenue of the country; and I said, no later than last Session, that the Chancellor of the Exchequer ought not to let Parliament separate leaving public credit in the state it then was. I lament, in short, the condition in which public credit has been left for the last two years, with a deficient revenue and an increased expenditure; as I cannot conceive that any greater calamity can befall the country, than that it should suffer any injury in that most important particular. The Right Honourable Gentleman opposite has said, that there has been no evasion on the part of any Government equal to that shown by the present, with respect to the motion before the House. But has the Right Honourable Gentleman forgotten the battle which he himself waged with me on the Dead Weight Bill? That Right Honourable Gentleman and his party then played one of the greatest tricks I know of, and by which they raised 11,000,000*l.* on a deferred annuity of 585,000*l.* for forty years, which the country is paying at this day, and all this with the idea of providing for the dead weight; the fact being, that the dead weight is absolutely heavier, this year, than it was at the time that measure was first brought forward by Lord Bexley in 1822. We may safely assert that, since the year 1830 at all events, no such delusion has been practised on the country; and had any such been attempted since that time it would most unquestionably have been successfully resisted.

[Cries of "Hear, hear!" from the Ministerial benches.]

It is absurd to talk of our 40,000,000*l.* of taxes, and of 8,000,000*l.* of taxes taken off, if we continue to go on as we now do. I am always an advocate for reducing great taxes, not that I wish the revenue to be deficient, but because I have always found from experience that even where 1,000,000*l.* of taxes have been taken off, the revenue has, nevertheless, risen almost in proportion; and that, instead of being the losers of that amount of revenue, we have, in fact, only lost about 200,000*l.* I am, then, I repeat, an advocate for the removal of heavy taxes, because I am satisfied that such reduction causes no injury to the revenue, while it confers very great benefits upon the community at large. I must say, however, that this discussion, at least so far as these matters are concerned, has nothing to do with the question; and I will, therefore, now come to the question before the House.

[Laughter, and cries of "Hear!"]

I admit that I have deviated from it, but it has been in order to notice what has fallen from the Right Honourable Gentleman opposite. With regard to the question itself, it is somewhat curious that the Right Honourable Gentleman should have interfered with a question which I have for twenty years been in the habit of bringing forward. I am disappointed that the Right Honourable Gentleman did not make me some acknowledgment for this: the Right Honourable Gentleman, on the contrary, has claimed merit for the novelty of this motion, when he must have known that the first thing I did, on the first night in which a Committee of Supply stood on the Orders, was to say, "Do not vote any money till it is shown what revenue you have, and what your income is." The answer of the Right Honourable Gentleman opposite to that, was, "I care not what the income is; we must have such establishments as we consider necessary for the protection and glory of the country; and, having taken the sense of the House upon that question, we will then set about providing the means." Have I not always resisted such doctrine as that? I am told that I must not look to money or means, and that if the Government wants more ships or men, or money to support or increase a church establishment, we must first determine upon the grants, and then proceed to find the means. But, Sir, that is a course which I have always opposed. My proposition is, that whenever the Government brings forward the estimates, they should state, in round numbers, what they call for, and how they are prepared to provide for it. That ought to take place on the first day of every Session on which we are called on to vote a Supply; and to this point I have again and again drawn the attention of the House. I must, then, tell the Noble Lord the Secretary for the Colonies, and the Right Honourable Gentleman the Chancellor of the Exchequer, that I am surprised at their resisting this motion. If I might venture to give them any advice, I would, by all means, recommend them to give these papers. Is it anything extraordinary that is asked for? If the Right Honourable the Chancellor of the Exchequer would send for the heads of the departments of the Excise, Customs, or Stamps, he would, in a few days, be prepared to give the information required. We have only to consider in what main heads of revenue there is likely to be any deficiency; and this information I think it but fair that the House should be put in possession of. It may be said that this is a factious motion. If so, then I would say, "Defeat it by agreeing to it." I would still further say, "Do not allow that to be factious which is reasonable." I beg the Noble Lord not to appear to refuse information which is really reasonable, and which ought to be before the House. It will give the public the impression that it is wished to conceal something. A similar Return has certainly, before now, been refused, when I have moved for it; but whenever it has suited the purpose of the Government, they have always produced it. It may have been refused to me on the ground that I should make a bad use of it, by moving for reductions of taxation; and I must say I have often been refused such a Return by the Honourable Gentlemen opposite. I had, however, hoped better things of those who, now, sit on the Treasury benches. I had hoped that they would go on improving; and as I have not wished to be particularly disagreeable, I own I have not been, perhaps, quite so attentive to this portion of my duty as formerly.

[Laughter, and cries of "Hear!"]

That circumstance, however, does not rescue the Honourable Gentlemen opposite from the guilt of having refused similar Returns to this. The present state of the country, and the facts stated by the Right Honourable Gentleman opposite, in my opinion, particularly warrant the production of this Return; and, with this opinion, and on these grounds, if the question shall go to a division, I shall give my support to the motion.

Mr. LABOUCHERE.—I am not about to enter into the wide field of discussion which has been opened by other Honourable Gentlemen, for I am content to rest the defence of the financial operations of the Whig Government, since 1831, on the speech of my Right Honourable Friend the Chancellor of the Exchequer. I also really feel that the point on which the House is called to decide, has no real connection with the arguments which have been brought forward. That point is a plain and simple one, and I beg to recall the attention of the House especially to it, because the speeches in the early part of the evening were not delivered to so numerous an auditory as I now see prepared to give their votes. The question is, whether the House will impose a condition on my Right Honourable Friend the Chancellor of the Exchequer, in his management of the financial affairs of the country, such as it has never before thought fit to impose on any one of his predecessors, by agreeing to that only part of the motion which is objected to by the Government? The question is, whether the Chancellor of the Exchequer is now to be called upon to produce an estimate of the probable receipts of the Consolidated Fund for the ensuing year? There is a broad distinction between both the precedents quoted by the Right Honourable Gentleman opposite, and the present instance. On both those occasions the Government was a consenting party; and those charged with the financial affairs of the country consented to the motions in both cases because they saw that no public inconvenience was likely to arise by the production of the papers required. On the contrary, in the present case, my Right Honourable Friend says that there are many difficulties which embarrass his career, difficulties which he is prepared manfully to encounter, but that those difficulties would be materially aggravated if the House were to assent to this motion. In the instances of Lord Ripon and Lord Spencer, I cannot exactly say that the Budget had been actually brought forward, but at least an important part of their financial statements had been previously submitted to the House; and I believe that, in both cases, the repeal of certain taxes had been proposed and assented to by the House. Is it fair, then, to represent these cases as parallel? So far from their situations being similar to ours, they were exactly opposite. My Right Honourable Friend says that under existing circumstances, it would be more than ordinarily difficult to give an estimate such as is required; and he has not yet stated to the House what measures he proposes, in order to meet the financial demands of the country. I ask, therefore, whether any sound parliamentary reason, or any valid ground, has been given for imposing on the Chancellor of the Exchequer, duties, which the House has never imposed upon any of his predecessors? Even the Right Honourable Gentleman who has brought forward the motion admits that it is an extraordinary course to take, and who feels the necessity of endeavouring to fortify himself by precedents, which, however, are not applicable to the occasion. There is not any very great difference of opinion on either side of the House, that I can discover, as to the financial condition of the country; and it is admitted on both sides that this condition is not calculated to excite alarm, though at the same time, with an admitted deficiency, which has been accumulating for some years, doubtless certain difficulties do exist, which it is certainly the duty of the Government to look fairly in the face. It is not, therefore, as if the Government endeavoured to conceal anything from the House or the country. My Noble Friend the Secretary for the Colonies and the Government generally, have volunteered a statement that the financial condition of the country does require the utmost attention, and have pledged themselves that it shall receive it. I cannot, therefore, perceive on what ground the Right Honourable Gentleman rests his case, in pressing the House for an estimate of the receipts of the Consolidated Fund for the ensuing year,—which is, indeed, the only part of the motion objected to. My Honourable Friend the Member for Kilkenny has complained of some obscurity in the accounts as to the management of the funded and unfunded debt.

Mr. HUME. — No. I said that, without the necessary documents before him, no one could, from to-night's debate, make out anything about it.

Mr. LABOUCHERE. — I mistook my Honourable Friend, then, and can assure him that on all such matters every Return shall be made which can tend to make the public accounts more clear. I will not now trouble the House with any further remarks. My sole object in rising was, to recall the attention of the House to the only point in dispute; and, as far as that is concerned, I shall certainly oppose the motion, because I think that in most respects, it is inconvenient, unfair, and unprecedented.

SIR G. CLERK. — I almost feel it necessary to apologise to the House for venturing to address them after the able speeches of my Right Honourable Friend, who brought the motion forward, and of my Right Honourable Friend the Member for the University of Cambridge, to which, hitherto, no answer appears to me to have been given. The Right Honourable Gentleman the President of the Board of Trade, at the commencement of his address, remarked, that many persons had come into the House since the commencement of the debate. I appeal, however, to those who had not the benefit of hearing the previous speeches whether they have heard from the lips of the President of the Board of Trade one single reason for refusing this motion? That Right Honourable Gentleman founded his argument on the want of precedents, and stated that similar demands had been successfully resisted, although my Right Honourable Friend has quoted precedents in which former Governments did not object to lay before the House estimates of the income of the country for a future year. But, even, supposing, for a moment, there was no precedent, are not the circumstances of the country, with respect to its finances, so unprecedented as to demand a departure from the customary course? The Honourable Member for Kilkenny has said that when he sat on the Opposition side of the House he frequently made a similar demand of the then Government, and that it was always refused. Probably that was because the Chancellor of the Exchequer was about, in the course of a few days, to make his financial statement.

Mr. HUME. — No, no!

SIR G. CLERK. — I rather think that that was the case; but, be it as it may, I will now state to the House the reasons assigned by a Tory Chancellor of the Exchequer, in an unreformed Parliament, for assenting to that, which a Whig Chancellor of the Exchequer, in a reformed House of Commons, now thinks proper to refuse. On the 15th of February, 1824, within three weeks after the meeting of Parliament, Lord Ripon said that, in conformity with the course he had adopted the preceding year, he took the earliest opportunity of giving the House the fullest information as to the financial position of the country; — and he then proceeded to state the reasons why he thought it right to make it at that time; and he declared that though in time of war it might be impossible for the Government to present to the House an early estimate on which to found the supplies for the year, yet, in time of peace, no such difficulty could possibly exist; —further, that it was of the greatest importance to the House and the country to be acquainted with the state of the finances as early as might be, inasmuch as the interests of all were vitally involved in the subject, and mostly dependent on them. Sir, if these reasons operated at the time the Earl of Ripon made that statement, — and if he at that early period of the Session found no difficulty in submitting to the House an estimate of the probable income and expenditure for the ensuing year,—I am at a loss to know what reasons there are to prevent the Chancellor of the Exchequer from complying with the request now made. It is true, as the Right Honourable Gentleman says, that the term of the financial year has been changed; but I cannot conceive that that affords any sufficient reason for the refusal. The Noble Lord at the head of the Government lately stated, that the country was in a crisis of great difficulty and embarrassment. The Noble Lord opposite (Lord J. Russell), at the conclusion of a very long debate, a week or two ago, alluded to the same difficulties, and stated that it would be necessary to call on the House to provide additional means for the wants of the country. But in what manner did the Noble Lord make that statement? He felt that, although the 308 Gentlemen behind him were ready enough to give a vote of confidence in the Government, they might not be prepared to supply the means of meeting the exigencies of the country; and he therefore threw himself on the pity of those sitting opposite to him, and he said, " Surely you will not refuse us the means of supporting public credit." The Noble Lord, after heaping all manner of obloquy upon the Conservative party, and after charging them with disloyalty, is obliged, in the hour of his need, to come to them, and address them nearly in the same manner that Shylock says he was addressed by the Merchant of Venice, " Lend me your moneys." The Noble Lord knows that when increased exertions are necessary to meet the difficulties of the country, he will not find any obstacles thrown in his way by Honourable Members on this side of the House. I perfectly agree with the Honourable Member for Kilkenny, that the Chancellor of the Exchequer, finding himself unable to offer any arguments against the Return moved for by the Right Honourable Gentleman, has endeavoured to divert the attention of the House from the subject by instituting comparisons between the present Government and that in which the Right Honourable Gentleman the Member for Cambridge was at the head of the financial department. The answer of my Right Honourable Friend, however, was so satisfactory, that I have little to say on that subject. When the Right Honourable Gentleman compared the general expenditure of the present Government with that of the Duke of Wellington's in 1828, 1829, and 1830, he did not give a fair statement of the expenditure of those two Governments. The Right Honourable Gentleman chose to go into the question of averages, which suited his purpose very well, because during 1828, 1829, and 1830, there was a diminution of expense, whereas, during the last three years, there has been a great increase. The House may remember that, in 1834, the Right Honourable Baronet the Member for Pembroke stated that it was impossible for any Government, however economical, to make any greater reduction, because the greater part of the burdens of the country were of a fixed and permanent nature, — that the means of reduction were limited to the votes annually passed, which did not amount to more than 16,000,000*l.*, and that a reduction of 2,000,000*l.* was a large per centage. Now, let us see what has been the conduct of the present Government during the time they have been in office. They succeeded to the estimates framed during the short administration of the Right Honourable Baronet the Member for Tamworth, in 1836, — a year in which reduction had been carried to the greatest possible extent. The total estimate for the year ending the 5th of January, 1836, was only 13,800,000*l.*; the next year it rose to 14,392,000*l.*; in 1838, it was 15,000,000*l.*; in 1839, 16,000,000*l.*; and this year, according to a paper recently laid on the table of the House, the estimate is no less than 17,493,545*l.*; being an increase on the army, navy, ordnance, and miscellaneous service, of no less than 3,693,545*l.*, in the course of four years. And I cannot admit that that increase has been caused by anything which has been done on this side of the House, for we have uniformly opposed the policy which has led to that increase. Now, when we are told of the profligacy and expenditure of the former Government as compared with the present, let me call the attention of the House to the financial condition of the country in the year 1830, the last year of the Government of the Duke of Wellington, and contrast it with what it was the year which has just expired. The net income of the country in 1830 was 50,056,616*l.*; the income of the present year is 47,844,800*l.*, being a diminution of income 2,211,816*l.* But what was the expenditure? In 1830 it was 47,142,000*l.*, whilst, in the present year, it is no less than 49,357,000*l.*, being an increase in the expenditure of 2,215,000*l.* The result of all which is, that instead of having, as in the year 1830, a surplus of nearly 3,000,000*l.*, the income is now insufficient to meet the expenditure by no less a sum than 1,500,000*l.*, in round numbers.

After the statements which have been made as to the impolicy of trying such a dangerous experiment as the alteration of the Post Office revenue, I will not trouble the House on that subject further than to remark, that it is one of the strongest reasons why the papers should be produced at an early period, in order that the effect of the change on the finances of the country may be ascertained. The Chancellor of the Exchequer has argued that no accurate returns can be made from that department for some months; but I cannot agree with him in that respect; and I do not know why the Right Honourable Gentleman should have been so premature in bringing his plan into action, before his arrangements were completed. The Right Honourable President of the Board of Trade says, that the production of the Returns would cause inconvenience to the public service. There certainly is no unity in these objections; and therefore I feel called upon to reject them. The great difficulty of arguing for the production of the paper is, the lack of argument on the other side; for no attempt has been made to show that it would be attended with the slightest public inconvenience. I believe that the real ground of objection to the production of such document is, that it will not show our finances to be in a very gratifying state. I do not think, however, that it will produce any despondency in the country. There is no reason for entertaining any very gloomy view of our resources; and I do not believe that any evil would be produced, either on the commercial or the money market, by a fair and full statement of the probable income and expenditure: on the contrary, I am confident that it would remove much apprehension which now exists as to the loss of revenue, and the great additional expenses to be incurred this year. The Right Honourable Gentleman is not called on, at this moment, prematurely to state what taxes he intends to propose. Perhaps the better plan would be, to postpone that statement until the real deficiency in the Post Office department shall have been ascertained, when the public will have the opportunity of judging whether it would be more advisable to raise that deficiency by fresh taxes, or to revert to something like the old system. We shall then have tried the question on fair ground; and it must depend on the general feeling of the country, whether the imposition of postage is a more odious burden than the same amount of tax laid on some article of necessary consumption? I am quite at a loss to conceive on what ground the Government refuse the production of this paper; and I shall therefore support the motion of my Right Honourable Friend.

Mr. HERRIES.—Sir, I cannot allow the present discussion to close, without making two or three remarks in reply. The House is now called upon to decide, whether it will or will not require, at the hands of the Government, information which is admitted by every one to be of the greatest importance in the present circumstances of the country; and I call upon every Honourable Member who has heard the whole of the arguments, to state whether a single sound objection has been urged against the production of the paper for which I have moved. Now, what has been stated in answer to the motion? There has been no allegation of inconvenience,—there has been no allegation as to the impossibility of rendering it. I have stated that it is of the utmost importance that this paper should be produced, and no answer has been given to me; and as the Right Honourable Gentleman has expressed his determination to withhold it indefinitely, I call upon the House to insist upon its production, and not to fail in the duty which it clearly owes to the country.

Mr. WARBURTON.—Sir, ——

[Cries of "Divide, divide!"]

the Right Honourable Gentleman has challenged any Member to say, whether a single satisfactory reason has been given for withholding the information now required.

[Cries of "Divide, divide!"]

I rise in obedience to the challenge ——

[Cries of "Divide, divide!"]

I consider that, at the present period of the Session, it would be quite impossible to lay before the House these estimates with any degree of accuracy; and that, if brought forward in any other shape, they would rather tend to mislead the public, than to afford any useful information. I therefore cannot call for their production.

[Loud cries of "Divide, divide!"]

The House divided:—Ayes 182, Noes 172; Majority 10.

AYES.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, Hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J.
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Baring, H. B.
Barrington, Ld. Visct.
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Cantalupe, Lord Visct.
Cholmondeley, Hn. H.
Clive, Hon. R. H.
Cochrane, Sir T. J.
Cole, Lord Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, Hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, Hon. A.
Duncombe, Hon. W.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Hon. H.
Follett, Sir W.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, Hon. Captain
Gore, O. W.
Goring, H. D.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Granby, Marquess of
Grant, F W.
Grimsditch, T.
Grimston, Lord Visct.
Grote, G.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Rt. Hn. Sir H.
Heneage, G. W.
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'Court
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hume, J.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Serjeant
James, Sir W. C.
Jermyn, Earl
Jervis, S.
Johnstone, H.
Jones, Captain
Jones, J.
Kelly, F.
Kirk, P.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Law, Hon. C. E.
Knox, H. T.
Law, Hon. C. E.
Liddell, Hon. H. T.
*Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mackenzie, W. F.
Mahon, Lord Visct.
Meynell, Captain.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Neeld, Joseph
Neeld, John
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, R. T.
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Pigot, R.
Planta, Rt. Hon. J.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Rt. Hon. Sir G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Right Hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stormont, Lord Visct.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Trench, Sir F.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord Visct.
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Whitmore, T. C.
Wilmot, Sir J. E.
Wood, Colonel T.
Wynn, Rt. Hon. C. W.
Young, J. (Cavan)
Young, Sir W.

Tellers.

Clerk, Sir G.
Fremantle, Sir T.

NOES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, Major
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, Rt Hn. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, Hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Chapman, Sir M. L. C.
Clive, E. B.
Collier, J.
Collins, W.
Corbally. M. E.
Craig, W. G.
Crawford, W.
Curry, Mr. Serjeant
Dalmeny, Lord
D'Eyncourt, Rt. Hon: C. T.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, Hon. J. E.
Ellice, Capt. A.
Ellice, Rt. Hon. E.
Ellis, W.
Erle, W.
Evans, Sir D. L.
Evans, W.
Ferguson, Sir R. A.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Harland, W.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hobhouse, Rt. Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Humphery, J.
Hutton, R.
James, W.
Labouchere, Rt. Hon. H.
Lambton H.
Langdale, Hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A.
Macaulay, Right Hon. T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, Hon. C. G.
Norreys, Sir D. T.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, M. J.

O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmerston, Ld Visct.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pattison, J.
Pechell, Captain
Philipps, Sir R.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, Rt. Hon. R. L.
Shelborne, Earl of
Smith, J. A.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talfourd, Mr. Serjeant
Tancred, H. W.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Williams, W. A.
Winnington, Sir T. E.
Wood, C.
Wood, Sir M.
Wood, B.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, Hon. E. J.
Steuart, R.

The Returns were then ordered.

FLEETWOOD PORT.

Mr. TOWNLEY PARKER. — Sir, in moving for a Return of the several memorials, representations, and communications, to and from the Treasury, on which Fleetwood was made an independent bonded port, and the port of Preston made a creek under Fleetwood, I believe I shall meet with no very decided opposition on the part of the Chancellor of the Exchequer. The public, I have no doubt, have been greatly deceived by the exaggerated representations which have been made as to the port of Fleetwood. Three or four years ago, any one, passing Ackerman's Repository, might have seen a representation of the town and port of Fleetwood, and very probably the Right Honourable Gentleman may have had some such veracious plan before him, when the measures of which I complain were adopted. I happen to know something of that locality, and I beg to assure the House that when that picture was exhibited, there was scarcely a single house in the town completed; and therefore I must say that, however much I admire it as a work of art, it is very far from being true to nature. Moreover, the representation of Fleetwood, to which I have referred, contributed very much to the celebrity of the locality, and to the interest which the public were invited to take in the establishment of a railroad in that vicinity. Not content with the flattering picture drawn of Fleetwood, those who were anxious to advance the interests of that place endeavoured to make the public believe that the port would become almost unexampled for trade, and would rival even Liverpool itself. In order to show what slight foundation there is for such a representation, I will just contrast the situation of Fleetwood with that of Liverpool. The town of Liverpool contains a population of about 165,000 persons, — and when I speak of Liverpool by thousands, I can only speak of Fleetwood by units. Liverpool is somewhat more than half an hour's drive, according to railroad calculation, from the great town of Manchester; and the persons who are interested in trade can easily congregate together. The port of Fleetwood has no such recommendation; — it has neither a great commercial connection, nor does it afford any such facilities for the transaction of business. Liverpool has the advantage of being connected, by different kinds of carriage, with the great manufacturing towns of Lancashire and Yorkshire, comprising a population of from 700,000 to 800,000 persons. Fleetwood has no population in itself, and its locality does not contain more than 16,000 or 17,000 individuals. In the year 1826, Fleetwood was under the port of Preston. The port of Preston has since been placed under the port of Fleetwood; and the evil which has been occasioned by the removal has been very seriously felt in the former place. With respect to the convenience of the port of Fleetwood, I do not mean to say that it is not a good port when vessels are in it, — that is to say, it is a good harbour of refuge; — but it is not one which will supersede the trade and commerce of Preston, — to which place vessels of 300 tons burden are enabled to proceed. The merchants of Preston are a very considerable body; and to show the importance of the trade of that port, I may state that the duties payable there amount to no less a sum than 200,000*l.* per annum. The only wish of the inhabitants of Preston is, that it should be an independent port, and not continue under the control of the port of Fleetwood. I have presented three memorials on the subject, praying for relief, — one from the merchants of Preston, a second from the corporation of that place, and a third from the Ribble Navigation

Company, — but they have not had the desired effect. I therefore beg to move for the papers which I have mentioned, in order that the whole of the correspondence which has taken place on this subject may be laid before the public.

SIR HESKETH FLEETWOOD. — I feel particularly obliged to my Honourable Colleague for bringing this subject before the House, because I am anxious that the documents which he has asked for should be produced, in order that the whole of the circumstances may be laid before the public. My wish has been to benefit the town of Preston, which I have the honour to represent; and as this ques-question has caused considerable agitation there, I am very desirous that a full investigation should take place. I have therefore great pleasure in seconding the motion.

On the question being put, —

The CHANCELLOR of the EXCHEQUER said: — Sir, if the Honourable Gentleman who has brought forward the present motion had communicated to me his intention of going fully into the case, I might have been prepared to reply to some of the statements which he has made. Of course, I cannot now undertake to do so. I can only say that the Honourable Member is quite welcome to the documents for which he has moved.

Motion agreed to. Returns ordered.

BUSINESS OF THE HOUSE.

Mr. BROTHERTON. — I rise, Sir, to move that no new business, which shall be objected to by five Members, be brought on after twelve o'clock at night. It seems to me so reasonable and just that our debates should not be prolonged beyond that hour, that I will not trespass on the attention of the House by urging any arguments in favour of the motion. It frequently happens that Bills are brought in at a very late hour, in the absence of those who are most anxious to take part in their discussion, and it is not until they see the "Votes" next morning that they are aware of what has taken place. I think that it would be a great convenience to Honourable Members, and that it would also facilitate the public business, if we were to determine not to commence any fresh business after the time I have mentioned. I believe this is the only assembly in the world which transacts its business by night. When the question of privilege was under discussion, some Honourable Members stated that it was of great importance that the public should be made acquainted with what passes in the House; but when discussions are continued to a late hour, we might as well debate with closed doors for anything the public know about the matter the next morning. I therefore maintain that, even on that ground, it would be very advantageous to lay down the rule which I now propose.

Mr. EWART. — I beg to second the motion of the Honourable Member for Salford, because I am quite convinced that the real economy of time is to begin early. I will venture to say that a great portion of the time of the House is not spent in active or useful exertion, but devoted to slumbering on the benches. It has been urged, in opposition to a motion of this kind, that many Honourable Members are unable to attend during the day, and that we should be deprived of their services if we were to depart from the custom which now prevails. Now, Sir, I cannot see any reason why those Members who are willing to devote themselves exclusively to the business of the House should be made subservient to those who come here merely to perform supplementary duties. Why should the Honourable Member for Kilkenny, the Honourable Member for Bridport, or the Honourable Member for Salford be considered subordinate to the merchants, who make the business of the House merely a supplementary part of their duty? In my opinion, the wishes of those Members ought to be consulted who make the public business their primary object, rather than the wishes of those who, in reality, are the worst Members of the House, by making their legislative subordinate to their other duties. Every intelligent foreigner is surprised at the manner in which our business is conducted. I wish to see a complete reform in this respect; — I wish to see a return to the custom of our ancestors, who discharged their duties, by day, in a far better manner than ours are now performed, by night. A complete recurrence to the old system is, perhaps, impossible in the present constitution of the House; but, as I am anxious to advocate every measure which is an approximation to a sounder system, I shall give the motion proposed by the Honourable Member for Salford my warmest support.

On the question being put, —

LORD JOHN RUSSELL said:—Sir, it does not seem to me to be necessary to pass any resolution on this subject. Where five Members object seriously to any business after midnight, it is evident that no motion can proceed. But, in a case of great importance, I think it would be unwise to give five Members such a controlling power. I cannot agree with the Honourable Gentleman who seconded the motion. I think there is no prudence in saying that persons, having other occupations, may be absent from the House, and that, in that case, the business should be transacted by those Members, only, who are able to attend during the day. As to official persons, I believe that I devote as much time to the business of this House as I possibly can. With official and parliamentary business I have been occupied about twelve hours this very day; and if I were to attend here in the morning, I must do the official business in the evening. I cannot see that any advantage would be gained by the proposed change, whilst there would be this disadvantage, — that you would lose the assistance of those Gentlemen whose duty it is to attend the courts of law, for you cannot prevent those courts from sitting during the day. On these grounds, therefore, I do not think it expedient to agree to the motion of the Honourable Gentleman.

SIR R. PEEL. — I think it unnecessary to enter into the discussion of any general question as to whether a great change ought to be made in the mode of conducting public business in this House. Some Honourable Members may think it better that the House should meet at ten o'clock in the morning; but I do not consider it requisite to embark upon that question, further than to suggest the extreme difficulty of so total a change. But I object to this motion on other grounds. It appears to give a sort of parliamentary sanction to commencing new business at half-past eleven; for, observe, the power of five Members to object does not commence until the clock has struck twelve; and what an extraordinary position we should be placed in by investing five Gentlemen with a power at twelve o'clock which they would not possess half an hour before. There is much business which I should object to commencing at half-past eleven. I might object to bringing on a motion of great importance at eleven; but all this must depend upon circumstances. If there were likely to be an adjournment of the debate, and the mover would have the opportunity of making a criminatory speech, without the possibility of an answer being given to it, I might object to proceed after half-past ten; therefore, I say, it is impossible to lay down any definite rule for the guidance of the House upon the subject. But now, assuming that the House sits till twelve, according to the present practice, if three or four Gentlemen persist in objecting to any further business, I defy a man to bring forward a motion, should the sense of the House be against him; and even suppose a small minority is overruled, are they without a remedy? Not at all; they can resort to that remedy which the forms of the House allow, — moving an adjournment. I have, further, a decided objection to giving to five Members any such power of controlling the majority. It is quite true that a single Member has the power of clearing the gallery; but, then, that is so, because the rule of the House is, — not to allow strangers to be present at all; and it is merely necessary for a Member to notice the fact of their presence in order to secure their exclusion. But to say that five men should be clothed with the absolute power of preventing the House from proceeding with any new business after a certain hour, would, in my opinion, only lead to cabals and conspiracies against the business of the House, which might have a very injurious effect. If the sense of the House be at any time in favour of commencing new business, is it right that five Members should have the power of controlling that decision? Upon these grounds I decidedly object to the motion of the Honourable Gentleman.

Mr. BROTHERTON.—Sir, the speech of the Right Honourable Baronet has only proved the reasonableness of my motion. Since the commencement of the Session, we have frequently sat very late, but that would not have been prevented by my motion, for it only applies to new business, to which I think five Members ought to have the power to object. No fixed debate of any importance would be stopped by my resolution.

The House divided: — Ayes 25, Noes 145; Majority 120.

AYES.

Aglionby, Major
Blake, M. J.
Brocklehurst, J.
Busfeild, W.
Callaghan, D.
Collins, W.
Gillon, W. D.
Greig, D.
Hector, C. J.
Hume, J.
James, W.
Langdale, Hon. C.
Morris, D.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Pattison, J.
Salwey, Colonel
Scholefield, J.
Smith, B.

Vigors, N. A.
Villiers, Hon. C. P.
White, A.
Williams, W.
Wood, Sir M.

Tellers.
Brotherton, J.
Ewart, W.

NOES.

Acland, T. D.
Adam, Admiral
Alston, R.
Attwood, W.
Bagge, W.
Baines, E.
Baring, Rt. Hn. F. T.
Barrington, Lord Vt.
Beamish, F.
Bellew, R. M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Broadwood, H.
Campbell, Sir J.
Cholmondeley, Hn. H.
Clerk, Sir G.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Curry, Mr. Serjeant
Darby, G.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duncombe, Hon A.
Dundas, Sir R.
Elliot, Hon. J. E.
Ellis, W.
Evans, W.
Filmer, Sir E.
Fleetwood, Sir P. H.
Gaskell, J. M.
Glynne, Sir S. R.
Godson, R.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grimston, Lord Visct.
Hamilton, Lord C.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hutton, R.
Inglis, Sir R. H.
Jones, J.
Kirk, P.
Knatchbull, Rt. Hon. Sir E.
Knox, Hon. T.
Lennox, Lord G.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lushington, C.
Lushington, Rt. Hn. S.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Marshall, W.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Muntz, G. F.
Murray, A.
Norreys, Lord
Norreys, Sir D. J.
Packe, C. W.
Palmerston, Lord Vt.
Parker, J.
Parker, R. T.
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, D. R.
Pigot, R.
Pinney, W.
Pryme, G.
Rae, Rt. Hon. Sir W.
Ramsbottom, J.
Redington, T. N.
Rickford, W.
Roche, E. B.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheil, Rt Hon. R. L.
Sheppard, T.
Sibthorp, Colonel
Smith, R. V.
Somerville, Sir W. M.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stuart, Lord J.
Stuart, W. V.
Stormont, Lord Visct.
Strutt, E.
Sutton, Hn. J. H. T. M.
Tancred, H. W.
Thornely, T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vivian, J. H.
Vivian, J. E.
Waddington, H. S.
Wallace, R.
Warburton, H.
Whitmore, T.
Winnington, Sir T. E.
Wyse, T.
Young, J. (Cavan)

Tellers.
Stanley, Hon. E. J.
Steuart, R.

PRINTED PAPERS.

SIR M. WOOD. — I wish to state to the House, that to-morrow morning, at eleven o'clock, the writ of inquiry, in the fresh action of "Stockdale *v.* Hansard," is to be signed and sealed by the officers of the Court of Queen's Bench. Now, if the House has the power to prevent this from being done, it ought to interfere before the sheriffs are again involved in the proceedings; and I call upon the House to consider the hardship of their situation. Already one of them has been nearly destroyed by the proceedings of the House.

[Cries of "Hear, hear!" and laughter.]

Honourable Gentlemen may smile, but it is no laughing matter; and I venture to say, that they would not laugh if they were in the same situation. The gentleman from whom I have received the information which I have communicated to the House, is very unwell, and he has gone into the country for the purpose of endeavouring to recruit his strength, which has been much enfeebled since his commitment, — so much so, that he was scarcely able to walk down to the water-side, as far as the indulgence of the Sergeant-at-Arms would allow him. I think the time has come when both those gentlemen ought to be liberated; but if the House is determined to continue the imprisonment of the gentleman who still remains in custody, let it not plunge the sheriffs into a fresh difficulty. The damages in the action now pending are laid at 30,000*l.*

An HONOURABLE MEMBER. — No; 50,000*l.*

SIR M. WOOD. — Well, then, at 50,000*l.* To-morrow morning the writ of inquiry is to be signed and sealed; and if it should not be stopped by the House, surely you will not afterwards proceed against the sheriffs? With the view of stopping all further proceedings, I beg to move that Mr. Speaker be directed to order William Prevost and Thomas Chambre not to sign any writ of inquiry in the cause now pending of " Stockdale *v.* Hansard;" and that J. Punlott be directed not to seal the writ of inquiry in the said cause of "Stockdale *v.* Hansard."

Mr. HUME.—I beg to second the motion.

Question put.

SIR R. INGLIS. — I doubt how far this can be considered a question of privilege. I consider this an assumption of power on the part of the House, for which no precedent can be found. Under these circumstances, Sir, I wish you to favour the House with your opinion, whether this be a case of privilege, which ought to interrupt the other business on the paper, or whether it is not a motion of which notice ought to have been given?

The SPEAKER. — The motion has already been made and seconded.

Mr. O'CONNELL. — I doubt whether the motion can be made in the form in which it stands at present. I do not think that the House has the power to prevent these persons from signing and sealing the writ of inquiry; but the House has the power of saying that it will consider the signing and sealing of the writ a breach of privilege, and of sending a resolution to that effect to the officers intrusted with that duty. I agree with the worthy Alderman, that it is desirable to take every step we can to stop the action, before the sheriffs are again involved in it. It is quite clear that Mr. Howard, as he is in Newgate, cannot carry on this action himself; but we have it in evidence that a clerk of his, of the name of Pearce, is carrying it on in his master's name. Now, if the House had the power to commit Howard to Newgate, they have also the power to commit Pearce, in case he persists, like his master, in setting our privileges at defiance.

The ATTORNEY GENERAL.—Sir, the motion of the Honourable Baronet is of very great importance, and I wish that he had given notice of his intention to bring it forward. I will not presume to say that a matter of privilege may not be brought forward without notice; but I am bound to offer my opinion, that, in the present state of affairs, it is not expedient to agree to the motion. My colleague and myself have considered whether such a step might not be taken, but we are not yet prepared to recommend it to the House. Under these circumstances, I do not wish to enter further into the question, or to draw any contrast between the situation of the sheriffs and of these officers of the court; it would be easy to point out distinctions which might, perhaps, be relied on as a justification for taking a different course towards each, but I hope that the House will excuse me if I content myself with now moving the previous question.

Question,—"That that question be now put."

Mr. HUME. — Sir, it appears to me that when the House is informed that a writ of inquiry will be issued to-morrow, we ought, if we mean to protect our privileges, to stop every individual from proceeding. When we committed Mr. Stockdale and his attorney, we thought we should stop the action; but another individual has now come forward. If we wish to stop the proceedings, I do not think that we can do better than direct the officers not to sign and seal the writ. If we do not interfere with them, process after process will issue. I cannot see why the Attorney General should object to the resolution proposed by the worthy Baronet, which I believe would be obeyed. I have been informed that, if the Speaker had forwarded the order of the House in an official manner to the sheriffs in the first instance, they would have obeyed it; as it was, they only received a paper from Mr. Joseph Parkes, which they considered they had no right to obey. I believe that the best course would be, to pass a resolution declaring every person to be guilty of a breach of the privileges of the House who shall, in any manner, aid in the execution of any process against the House. Let such resolution be communicated to the officers of the court, and then let them proceed at their peril.

Mr. WARBURTON. — Sir, if it be correct that the sheriffs would have obeyed the former order of the House on its being communicated to them by the Speaker, I think we might save ourselves any further trouble by taking that step in the action now pending. According to the Honourable Member, all that is necessary to be done is, for the Speaker to communicate to the sheriffs the order of the House.

Mr. HUME. — The Honourable Member must have misunderstood me. I spoke of what probably would have taken place then, and not of what may be done now.

Mr. J. JONES.—Sir, if the Honourable Member for Kilkenny believes that the sheriffs received a notice which they were not bound to obey, it seems rather strange that he should have voted for their committal. At all events, after the opinion which the Honourable Member has now expressed, I congratulate those who are opposed to him on the probability of obtaining his vote for the discharge of the gentleman who still remains in confinement. If the Honourable Baronet presses this motion, he ought, first, to show that, if the parties do not sign and seal the writ of inquiry, they will be indemnified for not doing what the law requires them to do.

CAPTAIN BOLDERO. — I wish to ask the Noble Lord what objection there can be to allowing the sheriff who is now in custody to be liberated, if he will pledge his honour to be forthcoming whenever he may be called on? In that case, he will still be a prisoner.

The gallery was cleared, but no division took place.

Mr. F. KELLY. —It is impossible for me to support the motion of the Honourable Baronet; but, at the same time, I feel bound to observe, that I do not see how Honourable Members on the other side can oppose it, consistently with the course they have hitherto taken. The principle has been recognised over and over again by the majority, that if an officer is about to take proceedings which amount to a breach of privilege, he ought to be served with a notice, that if he persist in executing what he believes to be his duty, he will be considered guilty of a breach of privilege; and the sheriffs were committed for disregarding such notice. I cannot, therefore, but feel that the motion of the Honourable Baronet is entitled to more consideration than it has received from those who advocated the former course of proceeding, because it is a direct appeal to the majority of the House, to say—whether they will not give a fair warning to certain officers who, to-morrow morning, will be called on to do an act, for doing which they may, to-morrow evening, be voted guilty of a breach of privilege and consigned to imprisonment.

The previous question, "That that question be now put," was put, and negatived.

COLONIAL PASSENGERS BILL.

Mr. VERNON SMITH. — Sir, I beg to move the second reading of the Colonial Passengers Bill. My Noble Friend (Lord John Russell), on a former evening, made a declaration of the intentions of the Government with regard to the limitation of emigration from Calcutta to the Mauritius. On a subsequent evening, the Right Honourable Baronet the Member for Pembroke asked whether it was intended to bring in an Act for that purpose. We think that everything necessary for the regulation of such emigration may be introduced into the present Act, and therefore it is the intention of my Noble Friend to bring in clauses for that purpose. I therefore propose not to commit the Bill until Friday fortnight, in order to give a full opportunity for considering the subject.

SIR J. GRAHAM. — The arrangement now proposed by the Honourable Gentleman is perfectly satisfactory to me. All I desire is, that an opportunity should be given for taking the sense of the House on the order sent to India, prohibiting the emigration of Hill Coolies from that country to the Mauritius.

Mr. HUME.—I wish, Sir, to ask whether the Honourable Gentleman has any objection to lay on the table the documents containing the representations to which the Noble Lord referred on a former night, and on which that Noble Lord was induced to alter his previous opinion?

Mr. V. SMITH. — Sir, if the Honourable Member will refer to the Votes of the House, he will see that I moved for the Report of the Governor of the Mauritius, and several other documents, which will be laid on the table.

Bill read a second time, and committed for Friday, the 28th of February.

TRANSFER OF AIDS BILL.

Reported; to be read a third time this day.

VAGRANTS' REMOVAL BILL.

Committee deferred from Monday, the 17th of February, till Friday, the 21st of February.

RETURN.

Opium Trade.—On the motion of Sir H. Verney, Copy ordered—

Of all papers and despatches at the India House on the subject of hostilities between the Chinese and British subjects engaged in the opium trade, from 1830 to 1833, both years inclusive.

Adjourned at half after twelve o'clock.

HOUSE OF LORDS, VENERIS, 14° DIE FEBRUARII, 1840.

The EARL of SHAFTESBURY sat Speaker.

APPEALS.

Rutland *v.* Doe, on demise of Wythe (writ of error). — Set down for hearing.

M'Can *v.* O'Farrell, *et è contra.* — Certain of the respondents in the cross appeal ordered peremptorily to answer in a week.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

SWAIN'S NATURALISATION.

Read a third time, and passed, and sent to the Commons.

FIERS' NATURALISATION.

Reported, without amendment, and Bill to be ingrossed.

PAPER.

Papers relative to the temporary occupation, by the French Government, of "King's Islet," in the Port of Mahon (1837—1839).—Delivered (by command), and ordered to lie on the table.

Account of the quantity and value of opium, woollens, cotton goods, and other articles, imported into Canton by the East India Company and private traders respectively, in each year from 1820, inclusive, to the latest time to which the same can be made out: Also,

Account of the quantity and value of tea, and of all other articles, and of treasures, exported from Canton by the East India Company and private traders, during the years above mentioned: Also,

Account of all bills drawn upon India and London by the Select Committee at Canton, in each of the above years: Also,

Account of the quantity of opium sold by the India Government, and of the quantity permitted to pass through the British territories in India, in each of the above years: Also,

Account of the net receipt from the sale of opium, and from passes granted for the transit of opium through the British territories in India, in each of the above years (the costs and charges being deducted): And, also,

Account of the exports and imports of foreign nations at the port of Canton, in each of the above years; distinguishing woollen, cotton goods, tea, treasure, and bills, and all other articles, as far as the same can be made out.

Ordered to be laid before the House.

CHURCH RATES.

Petition, praying for release of John Thorogood from Chelmsford Gaol, and for the abolition of church rates, and of the criminal jurisdiction of the ecclesiastical courts, — of inhabitants of Beaminster.

CHIMNEY SWEEPERS.

Petition for inquiry concerning the regulation of their trade, — of persons representing their respective fire offices in the city of London.

EAST INDIA COMPANY.

The MARQUESS of LANSDOWNE. — I will take the opportunity which the present occasion affords me, of presenting to your Lordships a petition of the greatest importance, not only in consideration of the body from whom it comes, but also in consideration of the vast population to whose interests it relates. Not being prepared to originate any motion, or to express any opinion of my own, or any opinion on the part of the Government, respecting the many subjects this petition embraces, I shall confine myself to the duty of stating distinctly the substance of it to your Lordships. The petitioners are the directors of the East India Company, who, in pursuance, as they state, of the duty which they have always felt to be incumbent upon them, of promoting the interests of that population, now increased to so many millions, which is confided to their care, have thought it expedient, solemnly and distinctly, to call the attention of the Legislature of this country to the complaints existing respecting the commercial disabilities affecting those interests. Without giving any opinion as to any practical measures that might be applied to these complaints and representations, I am sure that I do no more than express, not only the feelings of the Government, but those of your Lordships, when I say, that we are at all times prepared, as far as policy and circumstances will admit, to encourage the industry of the natives of India. It is represented by the petitioners, that, although some measures have recently been taken to encourage the India trade, those measures are still, in many respects, essentially deficient, and that the India population is still deprived of the benefit which, as composing an important part of the dominions of this country, it is entitled to, being a peaceful, a loyal, an attached, and an industrious community, under the British monarchy. The first point adverted to by the petitioners is, that of the duty on sugar. They state that, although it is true that Bengal sugar is now admitted into the British possessions upon the payment of a duty equal to that paid upon West India and American sugar, yet, with respect to all the other presidencies, that measure is accompanied with so many restrictions, that their sugars are not, in fact, admitted for British consumption upon equal terms. With regard to many other commodities, the same restrictions continue to exist. They state that this circumstance is a consequence of the legal ambiguity of the term "Her Majesty's dominions," and the term "British possessions." A great many portions of the Indian empire, which deserve to be included in the facilities afforded to Indian commerce, and more especially the Mysore country, are thus deprived of that facility and encouragement. The petitioners therefore pray your Lordships to give a more extended, and, in some respects, a more definite and precise, interpretation to the term "British possessions."

Another point to which they refer is, the extent to which Indian manufactures have been extinguished by the importation of English manufactured goods. They think it is but reasonable that, if the products of English industry are admitted free of duty in India,—so Indian produce should be admitted free of duty for British consumption; or at least upon terms on a par with those applied to the produce of other parts of the British dominions. With regard to the duty on spirits, there is a greater difference between the produce of India and of the West Indies than perhaps in any other commodity; in the one case the duty being 3*s*., and in the other, I believe, 8*s*. or 9*s*. They pray that that difference may be removed, and that in this respect, also, there should be no distinction between Bengal and the other presidencies. They further state the injurious operation of the navigation laws, as affecting the population of India; and they pray that the laws may be revised with regard to the employment of native Indians in British commerce. They next advert to the large extension of the growth of tea in Assam, which holds out expectations that Assam will be able to furnish a large proportion of the supply of that article to Britain. They therefore appeal to your Lordships to consider, as that supply increases, whether it would not be fit to encourage its cultivation by a discriminatory duty on tea, the produce of British territories. These are the different topics dwelt on in the petition, all involving very important interests, and which cannot be approached without grave consideration. At the same time, I am convinced that, if your Lordships are not prepared to entertain any measure having for its object the giving immediate relief to the petitioners on the points alluded to, you will have no hesitation in assenting to the general policy of promoting, whenever you have the means of doing so with safety, the growth of the produce, manufactures, and industry of the immense mass of the industrious and loyal population of India; and that, while we have succeeded in civilising them for the purposes of war, by disciplining them and making them its effective instruments as good soldiers, we shall not be less able or willing to improve them in the arts of peace, and to assist in the development of that industry which no persons who have recently made themselves acquainted with the state of the country, and the improvement of its population, can doubt that they are capable of attaining, in the progress of time, under the fostering care of a paternal Government. I therefore hope the petition will meet the consideration of your Lordships; and as I shall not have another opportunity of bringing the subject before you, I beg that this petition may be read by the clerk.

Petition read accordingly.

LORD ELLENBOROUGH.—I was not aware of the intention of the Noble Marquess to present that petition to-night;

and, although I yesterday saw the petition in the newspapers, yet, not having been previously acquainted with it, I have not had an opportunity of giving that consideration to its subject-matter which I should be desirous of doing, before I express an opinion upon the many important topics it involves. I think it must be matter of disappointment to the petitioners, the Noble Marquess having undertaken to present the petition, that he should not have been able to broach any opinion whatever with respect to the expediency or inexpediency of complying with any one portion of its prayer. I must say, from the cursory view I have been able to take of the matter, that there appears to be a very great deal of reason in many of the complaints, and many of the demands made by the petitioners. It does seem to be a very great grievance that, at Ceylon, the cotton goods of Great Britain should be charged with a duty of 5 per cent. only, while those of India should be charged with duties varying from 10 to 20 per cent. In one point of view, however, the Indian Government have the remedy in their own hands; and, if the Imperial Parliament will not act with generosity and liberality towards India, as the Indian Government has acted with regard to British commodities imported into that country, it must be expected that that Government will act in obedience to their first duty, which is that of consulting the benefit of the people of India. If it should be found that the Imperial Parliament will not act with reciprocity towards India, the consequence will be, that the duty on British goods imported into India will be increased. While a duty of only 3½ per cent. is now imposed upon British silks imported into India, in no case is the duty on cotton goods of India, brought to an English port, less than 10 per cent.; while, on India silk piece goods the inequality is still greater, they being subjected to a duty of 20 per cent. I am willing to go a great deal further than the Noble Marquess. The Noble Marquess has said that he is prepared to do all that policy and circumstances will permit. I am ready to do all that policy and circumstances can demand. It appears to me that there is no higher duty your Lordships have to perform than that of protecting the interests of the people of India. They have no representatives of their own in the British Parliament; the Reform Bill has deprived them of that benefit. They are entirely at the mercy of the Parliament of this country, and therefore they have the highest claims upon your Lordships, and are as much entitled to the paternal cares and regard of Parliament as any portion of the people within the dominions of the Crown. I think it is really a matter of consideration whether a petition of this importance should not be referred to a Committee, for the purpose of investigating, in order to ascertain how far it might be expedient to comply with, its prayer.

The MARQUESS of LANSDOWNE. — I beg to state, in explanation, that the Noble Lord must have misunderstood me exceedingly, if he supposed me to say that no measure can be founded upon this petition, or upon these representations. The petitioners, with whom I communicated on the subject previously to presenting the petition, cannot be disappointed with any explanation, or omission of explanation, on my part, inasmuch as I told them that it was not in my power — neither would it be fitting, in the present state of the finances of the country, for me — to announce any opinion as to what might probably be done in consequence of their petition. The Noble Lord must be aware that it would be exceedingly unwise for us to excite any expectations which could not afterwards be realised. I fully agree with the Noble Lord in opinion as to the duty of Parliament attending to the interests of the Indian people, and taking into their serious consideration all the circumstances in which their future interests are involved, — identified, as those interests are, with the general welfare of the whole empire. I agree with the Noble Lord that they are more peculiarly entitled to the attention of your Lordships upon the score of justice, inasmuch as they are not (as was stated by that Noble Lord) represented in either House of Parliament. But they are entitled, also, from the generosity, much more than from the justice, of your Lordships, to the fullest hearing of their representations which either the East India Directors or others may be advised to make. The petitioners thought it would be an advantage to the people of India that their wants should be distinctly made known; and, having been made known, I am sure they cannot fail to engage the attention both of the Government and of the Parliament.

Ordered to lie on the table.

ADDRESS OF CONGRATULATION TO HER MAJESTY.

VISCOUNT MELBOURNE. — My Lords, as I am sure there will be but one feeling on the subject of the motion of which I have given notice for this evening, I shall, without further observation, move that an humble Address be presented to *Her Majesty*, to congratulate Her Majesty on the auspicious occasion of Her Majesty's marriage; and to assure Her Majesty of the great satisfaction which this House feels at an event which affords a fresh instance of Her Majesty's regard for the interests of her people, and of so much importance to Her Majesty's domestic happiness, and to the welfare of the country.

The EARL of ABERDEEN. — Notwithstanding the certainty which the Noble Viscount has expressed, that this motion will meet with the unanimous assent of your Lordships, I am unwilling to permit this occasion to pass without giving expression to the feelings of sincere satisfaction that are felt by Noble Lords on this side of the House. I cannot help saying that the circumstances under which this connection has been formed, are most fortunate. It is very fortunate that persons in the exalted situation of Her Majesty, should be enabled to gratify those emotions of the heart, and to act under those influences, which Providence generally reserves for persons in less exalted stations of life. Upon this occasion I cannot but consider that the event has been most auspicious, and we have only to pray that the issue may be equally prosperous. It would be unpardonable in me to enlarge upon a subject on which there can be no difference of opinion; I therefore will content myself with declaring that I most cordially give my support to the motion of the Noble Viscount.

The MARQUESS of LONDONDERRY. — It is not my intention to trespass long on the attention of your Lordships; but whatever appellation may be given to me by the Noble Viscount, or other Noble Lords opposite, whether that of a decided Carlist, or of any other sect, I believe there is no individual subject of the realm more anxious than myself that this auspicious event should carry with it every possible happiness to our illustrious Sovereign, and be of the greatest advantage to the country. I have offered myself to your Lordships' notice, from a circumstance connected with the illustrious Prince, now, happily for himself, and happily, I hope, for the country, united with Her Majesty. It is a circumstance which, if we can judge of the child from the sire, is one of most propitious promise. I had the honour, many years ago, when I was ambassador at Vienna, to be intimately acquainted with the illustrious father of the Prince; and I can fairly say, that among the great personages there assembled, at that time, there was not an individual of higher principles, higher character, or greater worth than his Serene Highness; and I will venture to hope, that the illustrious Prince who has been united to Her Majesty inherits all those eminent qualities which so greatly distinguished his father, whom we have the happiness to see in this country on the present auspicious occasion. I hope, also, that the Noble Viscount will give the whole House the satisfaction, on this occasion, of carrying up the Address to Her Majesty. On a former occasion, many Noble Lords were disappointed that they had not had notice, and were thus prevented from attending. It is true that on that occasion there were other points introduced, but it so happened that only about half a dozen Noble Lords went up with the Address. I hope that on the present occasion the Noble Viscount will do us justice, and allow the whole body of the House to go up, and that the Noble Viscount will give us fair notice of the time of meeting, and time of departure. I cannot forget, that the last time the whole House went up to the Throne, it was on an equally important occasion, that of upholding the Altar; and I do not think your Lordships will be less anxious to express your congratulations in support of the Throne.

VISCOUNT MELBOURNE. — I believe that on the occasion to which the Noble Marquess refers, the usual notice was given. The motion was printed in the Votes, and that is all the notice that is ever given on such occasions, and all that can be required. The same course will be pursued on the present occasion.

The MARQUESS of LONDONDERRY. — I can only say that many Noble Lords did not see the Votes upon that occasion until after the Address had been presented.

LORD KENYON.—Although the usual notice was given upon the occasion alluded to, still I think it is advisable, in the present instance, that we should be informed of the precise time at which the Address is to be presented, as I am sure that all Noble Lords will be anxious to attend.

VISCOUNT MELBOURNE. — I cannot say, until Her Majesty appoints a day when the Address will be received. I suppose it will be on Monday or Tuesday.

LORD KENYON.—As the House will not meet to-morrow, the day which Her Majesty may appoint cannot be notified before Monday.

VISCOUNT MELBOURNE. — Tuesday, then.

Address agreed to, *nemine dissentiente*, and the same was ordered to be presented to Her Majesty by the whole House; and the Lords with white staves were ordered to wait on Her Majesty, to know when he would be pleased to appoint to be attended therewith.

MESSAGE TO PRINCE ALBERT.

VISCOUNT MELBOURNE. — I have now, my Lords, to move, that a message be sent to his Royal Highness Prince Albert of Saxe Coburg and Gotha, to congratulate His Royal Highness upon his marriage, and to express the joy and satisfaction which this House feels upon seeing the ardent wishes of a faithful people fulfilled by Her Majesty's wise and happy choice, and by her union to a Prince distinguished by a descent so illustrious, and by a character formed to support and adorn his exalted station.

Agreed to, *nemine dissentiente*, and the Lord President, the Marquess of Anglesey, and the Earl of Ripon were ordered to attend his Royal Highness with the said message.

MESSAGE TO THE DUCHESS OF KENT.

VISCOUNT MELBOURNE.—I have, my Lords, another motion to make, of which, I believe, there is no example. Nevertheless, I apprehend that when I state what it is, there will be no difference of opinion amongst your Lordships respecting it. The only blame I can impute to myself, in this case, is, for not having before thought of the propriety of such a step on the part of this House, and given notice of it. Considering the proximate relationship between the Royal parties, I now move your Lordships, that a message be sent to Her Royal Highness the Duchess of Kent, to congratulate Her Royal Highness upon the marriage of Her Majesty — an event so deeply interesting to the paternal feelings of Her Royal Highness, and so conducive to the happiness of Her Majesty; and that the Lord President, the Marquess of Anglesey, and the Earl of Ripon, do attend Her Royal Highness with the said message."

Agreed to, *nemine dissentiente.*

PRISONS ACT AMENDMENT BILL.

House in Committee (according to order): several amendments made. The Report thereof to be received on Monday next.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Chard Canal Bill. — Petition of merchants and traders at Bridgwater and other places, against. — Referred to the Committee on the Bill; counsel ordered.

Talacre Coal and Iron Company. — Petition for leave to present a petition for a Bill, reported. — Report to lie on the table.

Chester and Birkenhead Railway Bill. — Petitions against, — of George John Chamberlaine; and corporation of Liverpool. — To lie on the table.

Lancaster and Preston Railway Act Amendment Bill. — Petition of the Preston and Wyre Railway and Harbour Company, against. — Referred to the Committee on the Bill; counsel ordered.

Edinburgh Market and Petty Customs Bill. — Petition of John Wallace Wilson, in favour. — To lie on the table.

The following Bills were severally presented; read a first, and ordered to be read a second, time; namely, —

Marine Insurance Company Bill, — "For enabling 'The Marine Insurance Company' to sue and be sued in the Name of the Chairman or Deputy Chairman for the Time being of the said Company."

Tweeddale Patent Drain-Tile and Brick Company Bill, — "To authorise the Transfer to more than twelve Persons of certain Patents granted to the Marquess of Tweeddale, relating to the manufacture of Drain-Tiles, Bricks, and other Articles, and for the Establishment of a Company for carrying out the Objects of the said Patents."

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill, — "To amend and continue the Act relating to the Glasgow, Paisley, Kilmarnock, and Ayr Railway, and to make a new Branch therefrom."

Maiden Newton Roads Bill, — "For making and maintaining several Roads leading from the Town of Maiden Newton, in the County of Dorset, and other Roads communicating therewith, in the Counties of Somerset and Dorset."

Protestant Dissenters' Assurance Company Bill, — "To enable the 'Protestant Dissenters and General Life and Fire Insurance Company' to sue and be sued in the Name of the Chairman, Deputy Chairman, or any one of the Directors, or of the Secretary of the said Company."

Liverpool East India Warehouse Company Bill, — "To enable 'The Liverpool East India Warehouse Company' to sue and be sued in the Name of the Chairman, Deputy Chairman, or any one of the Directors of the said Company, and for other Purposes relating thereto."

In the following cases, petitions for Bills were reported; and thereupon Bills ordered, respectively, to be brought in; namely, —

London and Greenwich Railway, — By Mr. Wolverley Attwood and Mr. Barnard.

Edinburgh Silk Yarn Company, — By Mr. Gibson Craig and Mr. Attorney General.

Farmers' and General Life and Fire Assurance Company, — By Mr. Handley and Sir Matthew Wood.

Greenhill and Eckington Road; Crichton Charities; Oakham Canal. — Petitions for Bills severally reported; Reports referred to the Select Committee on Standing Orders.

The Bills following, were read, each, a second time, and severally committed, as under; namely, —

Allerton Inclosure Bill, — To Mr. Busfield and the West Riding of York list.

Rotherhithe Burial Ground Bill, — To Mr. Kemble and the East Surrey list.

Crown Point (Leeds) Bridge and Roads Bill, — To Mr. Baines and the West Riding of York list.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That, in the case of the Wimborne and Piddletown Road petition, the Standing Orders ought not to be dispensed with.

2. That, in the case of the Bedford, Woburn, and Leighton Bussard Road petition, the parties be permitted to proceed with their Bill.

3. That, in the case of the Kingston upon Hull Docks petition, the parties be permitted to proceed with their Bill.

4. That, in the case of the Aston Small Debts petition, the parties be permitted to proceed with their Bill.

5. That, in the case of the General Steam Navigation Company petition, the parties be permitted to proceed with their Bill, on giving forthwith the notices required by the Standing Orders; and that the Committee on the Bill do examine, in the first place, how far such order has been complied with; and do report the same to the House on the Report of the Bill.

6. That, in the case of the British Plate Glass Company petition, the Standing Orders ought not to be dispensed with.

Second, third, fourth, and fifth resolutions agreed to.

Report to lie on the table.

PUBLIC BUSINESS.

PAPERS, RETURNS, &c.

The following accounts, papers, &c. were respectively presented, and ordered to lie on the table; namely, —

Pilotage. — Annual account of receipts and appropriations of surplus rates of pilotage of the Cinque Ports (by Act).

Comptroller of the Exchequer. — Copy of warrant granting pension to Sir John Newport; also, copy of letters patent, granting the office of Comptroller of the Exchequer to Lord Monteagle (ordered 11th February).

British Northern Colonies. — Return of vessels which cleared out at the British northern colonies in 1836, 1837, and 1838, for ports in the United Kingdom (ordered 12th February).

Postage (Parliamentary Proceedings). — Copy of Treasury warrant regulating rates of postage on printed votes and proceedings of Parliament, &c. (by Act).

Cornwall Duchy. — Accounts of the revenue and expenditure of the Duchy of Cornwall (by Act).

Masters in Chancery. — Return of the number of warrants on leaving bills of costs, &c. issued by each Master in 1838 (ordered 5th February).

Murderers. — On the motion of Mr. EWART, Address agreed to, for —

Return of the number of persons sentenced to death for murder in the year 1834, whose punishment was commuted, specifying the counties in which their crimes occurred, and stating the number of commitments for murder in the same counties, during the same year, and also in the following year; together with the increase or diminution of commitments for murder in the same counties, in the year following the commutation of sentence:

Similar Return for 1835:

Similar Return for 1836:

Similar Return for 1837:

Similar Return for 1838.

Executions, &c. — On the motion of Mr. EWART, Address agreed to, for —

Returns of the number of executions which took place in England and Wales, during the three years ending the 31st day of December, 1836, and also during the three years ending the 31st day of December, 1839, together with the number of commitments in each of those periods respectively, for offences capital, on the 2d day of January, 1834.

Also, the total number of convictions for the same offences, together with the centesimal proportion of convictions to commitments, in each of those periods respectively.

Anatomical Inspectors. — On the motion of Mr. FRENCH, Return ordered —

Of the sums of money paid out of the Consolidated Fund to each anatomical inspector, under the provisions of the Act 2 & 3 Will. IV. c. 75., in the years 1837, 1838, and 1839, respectively; distinguishing the amount paid for salary, and for the expenses of office.

South Australia. — On the motion of LORD ELIOT, Address for —

Returns of the quantity of land in South Australia, sold by the Colonisation Commissioners since the 5th day of May, 1835:

Amount of money paid for the same in London, and the names of the purchasers:

Amount of money paid to agents in England and Scotland, as commission on sales effected through their agency; specifying the name of the agent, and the name of the purchaser on whose purchase commission has been charged.

Quantity of land sold in the colony by the Governor and Colonial Commissioners with the amount of money received by the Colonial Treasurer in South Australia for the same; with the date of the sale, and the mode in which the money was remitted to England:

Amount of money raised in England by the Colonisation Commissioners, by way of loans chargeable on the future revenue of the colony of South Australia; with the terms on which the same have been raised:

Number of pauper emigrants sent out to the colony of South Australia by the Colonisation Commissioners, whose expenses have been defrayed out of the moneys received for land in the colony:

The names and addresses of the agents, with the sums paid to each for procuring and selecting emigrants; and specifying the number of emigrants for whom a charge of agency has been made:

Amount of money received by the Colonisation Commissioners in London from emigrants proceeding to the colony, for themselves, or for their wives, children, or relations under the age of fifteen and above that of thirty years; also, amount of money received from parish officers, on account of such emigrants:

Number of emigrants above the age of thirty, or under that of fifteen, whose expenses have been defrayed wholly or in pa·t out of the Emigration Fund:

Amount of money paid by way of salary, allowance, or gratuity, to any commissioner, clerk, or other person connected with the Colonisation Office in Adelphi Terrace, with the name of the person, and the date of the payment.

Soap. — On the motion of Mr. Gillon, Accounts ordered —

Of the quantity of soap made in each town of Great Britain, distinguishing hard from soft, from the 5th day of January, 1839, to the 5th day of January, 1840:

Of soap exported, specifying the port from whence shipped, and the amount of drawback paid thereon, from the 5th day of January, 1839, to the 5th day of January, 1840:

Of the quantity of soap, distinguishing hard from soft, and the amount of all allowances and drawbacks made to the manufacturers of woollens, linens, silks, and others, from the 5th day of January, 1839, to the 5th day of January, 1840:

Of all soap exported to Ireland, hard and soft, the port from whence shipped, and the amount of drawback paid thereon, from the 5th day of January, 1839, to the 5th day of January, 1840:

Of all soap imported into Great Britain from foreign ports, showing the ports into which it was imported, and the amount of duty paid thereon, from the 5th day of January, 1839, to the 5th day of January, 1840:

Of the names of all persons convicted of defrauding the revenue arising from soap; the dates of conviction, the amount of the several penalties, whether the person so convicted had been previously convicted or fined, or had penalties compromised, the amount paid to the seizing officers for each conviction, and the names, dates, and the amount of penalties paid in all cases which had been compromised from the 5th day of January, 1839, to the 5th day of January, 1840 (in continuation of Parliamentary Paper No. 89., Session 1839).

PRINTED PAPERS.

Mr. H. T. Hope, Lord George Bentinck, and Mr. Alderman Thompson, presented petitions for liberation of the Sheriff of Middlesex, — from Gloucester City; King's Lynn; and, gentlemen who have served the office of Sheriff of Middlesex. — Ordered to lie on the table.

On presenting the petition from King's Lynn,—

LORD GEORGE BENTINCK said: — These petitioners pray that the sheriff may be discharged forthwith from custody, and that Her Majesty's subjects may be protected from the dangerous consequences of general warrants. I will merely add, Sir, that in the sentiments of the petitioners I fully concur.

Mr. ALDERMAN THOMPSON. — This, Sir, is a petition from fifteen gentlemen who have served the office of sheriffs of London and Middlesex, and who now pray your Honourable House for the release of the sheriff still retained in custody. The petitioners state that the incarceration of the sheriff is productive of great expense and inconvenience to the public, and that they fear, if it be continued, efficient and responsible persons may be deterred, hereafter, from accepting the office of sheriff.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Newport Riots, —By Mr. Leader, Mr. W. Williams, Mr. Hume, Mr. Godson, and Mr. Thomas Duncombe, praying for a free pardon of Frost, Williams, and Jones, — from Kidderminster; Ringmer; David Gilmore and others; Lewes; Chorley; Cheltenham; Birmingham; Shoreham; and, St. Pancras.

Printed Papers,—By Mr. Wynn Ellis, — of the mayor, aldermen, and town councillors of Leicester, praying that the House will in no way relax in their efforts to maintain their privileges.

Church of England, — By Mr. Pryme, Mr. Packe, Mr. W. Williams, Mr. Patten Egerton, Sir Edward Knatchbull, Mr. William Miles, Sir Robert Inglis, Mr. Robert Palmer, Mr. Packington, Mr. Abel Smith, and other Honourable Members, praying for extension thereof, and for the diffusion of religious instruction, — from Llandegfeth; Hinckley; Windlesham; Mynyddysllwyn; Llanvihangel Ponty Moil; Hackington;

Cornwood; Kenilworth; Otley; Gayton; Heytesbury; Stourton; Bickenhill; Chilmark; Inwardleigh; Cottenham; Stratford-under-the-Castle of Old Sarum; Sturry; Tinkleton; Long Newnton; Tavistock; Shinefield; Knaresborough; Frome Deanery; Abbots Leigh; Marthal and Ollerton; Emberton; Bowdon; Cleave Prior; Stoulton; Crundale; Wendover; and Cambridge.

LORD STANLEY, on presenting the petition from Sturry, said: — This petition is signed by forty-one clergymen, all officiating within a single parish in Lancashire, the population of which is no less than 98,433. Petitioners state, that in 1831 the parish possessed church-room for only 15,000, being in the proportion of less than 1 to 6, and that in some of the townships of which the parish is composed, having 4000 and even 6000 inhabitants, there are neither churches nor schools; but that since that time additional church-room, to the extent of 10,000 persons, has been provided by the inhabitants themselves, at an expense of 47,000*l.* They pray that the Legislature will be pleased to provide increased means of religious instruction.

Mr. HUME. — Will the Noble Lord allow me just to inquire how many Dissenters there are in that parish?

LORD STANLEY. — Really, Sir, it is impossible — and, perhaps, on reflection, the Honourable Gentleman will perceive that it so — that I should be able to tell him how many members of one particular religious profession, or another, there may be in a parish containing more than 98,000 inhabitants.

Mr. MANNERS SUTTON. — In reference to the petition which has been presented by my Honourable and Learned Friend the Member for Cambridge town (Mr. Pryme), I am desirous of saying that I most heartily concur in its prayer.

Church Patronage (Scotland), — By Mr. Fox Maule and other Honourable Members, for the amendment of the law thereon, and for the prevention of the intrusion of unacceptable ministers, — from Airth; Stirling Presbytery (moderator); Lauder Presbytery (moderator); Girthon; Reay; Torphichen; Collace; Marnoch; Inveravon; and Lochlee.

Church Rates, — for abolition thereof, — from Salford (two petitions); Chesham; Trevithin; Bradford; Witham; South Petherton; Beaminster; Redenhall cum Harleston; Tunstall; Fenton; Hanley; Burslem,; and Longton and Lane End.

Ecclesiastical Courts, — By Mr. Brotherton, Mr. A. Sanford, Mr. Hawes, Mr. Baines, Mr. Ewart, Mr. T. Duncombe, and other Honourable Members, for their abolition, and for the release of Mr. John Thorogood from his present confinement, — from Shelton; Tunstall; Fenton; Burslem, &c.; and Longton and Lane End.

Elective Franchise (Ireland), &c., — By Mr. Bridgeman, The O'Conor Don, Mr. John O'Connell, Mr. Villiers Stuart, and Mr. Redington, for extension of the franchise and municipal reform, — from Kilmacduagh, &c.; Maheracloone; Magherafelt; Roscommon; Ringogona Termonmaguik; and St. Mary's Wicklow.

County Courts, — By Mr. Pryme, — from Cambridge, in favour of a measure similar to the Bill of last Session.

Poor Law Act, — By Mr. Law Hodges, — from Horsmonden, for amendment.

Socialism, — By Mr. Hawes, — of Margaret Chappellsmith, for inquiry into the principles aud objects of Socialism.

Maynooth College, — By Sir Robert H. Inglis, against further grant, — from Bowdon and Glastonbury.

Universal Suffrage, &c., — Of John Wallace Wilson, in favour.

Corn Laws, — By Sir George Strickland, for repeal, — from Queen's Head; and Portsmouth.

Designs Copyright Bill, — By Lord Stanley, — of Hargreaves, Dugdale, and and Co., Manchester, in favour.

SALE OF BEER ACT.

On presenting a petition from Clutton union, for amendment thereof, —

Mr. WILLIAM MILES said: — This petition comes from a district containing 22,000 souls; and the petitioners are exceedingly anxious that measures should be taken to secure a strict superintendence over the beer shops of the vicinity, on the part of the local constabulary.

PRIVATE BILL COMMITTEE.

The SPEAKER. — It is now proper that the House should proceed to the Order of the Day on the resolutions touching the mode of conducting the private business.

The following resolutions were then read from the table, and severally agreed to: —

1. Resolved, that a Committee of Selection be appointed, consisting of the Chairman of the Standing Orders Committee, and of the Chairmen of the Committee of the three Sub-Committees on Petitions for Private Bills, and of whom three shall be the quorum; and that the said Committee of Selection do report from time to time to the House with respect to the proceedings on Private Bills.

2. Resolved, That no Member, whose name shall be on the list prepared under the direction of Mr. Speaker, shall be entitled to attend or vote unless he shall have previously made a declaration of his willingness to serve on the Committee on the Bill referred to the list to which he belongs.

3. Resolved, That any Member who is not included in such list shall be at liberty to make special application to the Committee of Selection, alleging that his constituents have a local interest in any Private Bill in progress, such Member making declaration of his willingness to serve on the Committee; and the Committee shall have power to add the name of such Member to the list, if the reality of such interest shall be established to their satisfaction.

4. Resolved, That the Committee of Selection shall select and add to the list such number of Members not locally interested in the Bill in progress, and in such proportion, as in the circumstances of each case shall in their judgment be necessary; such Members making declaration of their willingness to serve on the Committee.

5. Resolved, That the following shall be the several forms of declaration which every Member shall sign before he shall be entitled to attend or vote on any Committee on any Private Bill.

"No. 1. — Declaration of a Member whose name is on the list prepared under the direction of Mr. Speaker for . . . . .

"The undersigned, being one of the Members whose name is on the list prepared under the direction of Mr. Speaker, to which list the Bill for . . . . . has been committed, hereby declares, that he is willing to serve on such Committee, and that he will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto.

"Memorandum. — The declaration, signed as aforesaid, must be delivered to the clerk of the Committee on the Bill before the Committee shall proceed to appoint a chairman, otherwise the Member signing the same shall not be entitled to attend or vote."

"No. 2. — The declaration of a Member whose name has been added to the list prepared under the direction of Mr. Speaker by the Committee of Selection, his constituents having a local interest in the Bill for . . .

"The undersigned, not being one of the Members whose name is on the list prepared under the direction of Mr. Speaker, to which list the Bill for . . . . has been committed, hereby declares, that his constituents have a local interest in such Bill, and that, in consequence thereof, he has applied to the Committee of Selection, and his name has been added to the list. He further declares, that he is willing to serve on such Committee, and he will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto.

"Memorandum. — The declaration, signed as aforesaid, must be delivered to the clerk of the Committee on the Bill before the Committee shall proceed to appoint a chairman, otherwise the Member signing the same shall not be entitled to attend or vote."

"No. 3. — The declaration of a Member whose name has been added to the list prepared under the direction of Mr. Speaker by the Committee of Selection, his constituents having no local interest in the Bill for . . .

"The undersigned, being one of the Members selected and added to the list by the Committee of Selection, to which list the Bill for . . . . has been committed, hereby declares, that his constituents have no local interest, and that he has no personal interest in such Bill; and that he is willing to serve on such Committee; and that he will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto.

"Memorandum. — The declaration, signed as aforesaid, must be delivered to the clerk of the Committee on the Bill, before the Committee shall proceed to appoint a chairman, otherwise the Member signing the same shall not be entitled to attend or vote."

6. Resolved, That as soon as possible after the sitting of the Committee of Selection, at which the name of any Member shall have been added to any list prepared under the direction of Mr. Speaker, the clerk attending the Committee of Selection shall give notice to each such Member of his name having been so added, and of the time when the Committee on the Bill shall have been appointed to meet.

7. Resolved, That the Committee Clerk shall furnish to each Member appointed to serve on a Committee on a Private Bill, who shall apply for the same, a form of one of the above declarations, according to the class of which the Member may belong; and that such application shall be made to the Committee Clerk, either in the Committee Clerk's office, previous to the time when the Committee shall have been appointed to meet, or in the committee room, previous to the door thereof being locked, as hereinafter directed.

8. Resolved, That the Committee of Selection shall in each case direct what number of the Members (not locally interested in the Bill) selected and added to the list by them, shall be a quorum of such Members.

9. Resolved, That so soon after the expiration of half an hour, and not sooner, after the time appointed for the first sitting of a Committee on a Private Bill, as there shall be present at least five Members appointed and duly qualified to serve on such Committee (including a quorum of selected Members), the clerk of such Com-

mittee shall give notice that a sufficient number of Members to proceed to business is present, and the clerk shall direct the messenger in attendance on the Committee to clear the room of all strangers, and to lock the door of the committee room; the Members shall then proceed to appoint a chairman; and that no Member shall be entitled to attend or vote on such Committee who shall not have duly delivered his declaration to the clerk previously to the time when the door shall have been so locked.

10. Resolved, That Members whose constituents have a local interest in any Private Bill, but who are not on the list to which such Bill shall have been referred, and who, in consequence, desire to be added to the Committee on the Bill, shall make especial application, either personally to the Committee of Selection, at any sitting of such Committee which shall be held prior to the day appointed for the meeting of the Committee on the Bill, or in writing, stating the nature of such interest, to be delivered at the Committee Clerks' office prior to such meeting of the Committee of Selection; and so soon as the Committee of Selection shall have decided to add the name of such Member to the list, the clerk shall notify the same in writing to the Member who shall have made the application.

11. Resolved, That no Committee on a Private Bill shall, without leave of the House, proceed to business, or continue their inquiry or deliberations, unless a quorum of selected Members shall be present; and that if at any time during the sitting of the said Committee a quorum of the selected Members shall not be present, the chairman of the Commiteee shall suspend the proceedings of such Committee until such quorum shall be present; and that if, at the expiration of one hour from the time fixed for the meeting of the Committe, or from the time when the chairman shall so have suspended the proceedings of such Committee, a quorum of the selected Members shall not be present, the chairman shall adjourn the Committee until twelve of the clock of the day on which the House shall next meet, and report forthwith to the House the circumstances of the case.

12. Resolved, That if at any time after the Committee on a Bill shall have been formed, a quorum of Members required by the Standing Orders, or by the foregoing Resolutions, cannot attend, in consequence of any of the Members who shall have duly qualified to serve on such Committee having become incompetent to continue such service by having been placed on an Election Committee, or by death, or otherwise, the chairman shall report the circumstances of the case to the House, in order that such measures may be taken by the House as shall enable the Members still remaining on the Committee to proceed with the business referred to such Committee, or as the exigency of the case may require.

COMMITTEES ON PRIVATE BILLS.

On the motion of Mr. GREENE, Standing Order No. 12, p. 34. read, and repealed.

Resolved, That no postponement of the first meeting of any Committee on a Private Bill shall take place unless notice be given in the Private Bill Office, and also in the Committee Clerk's Office, one clear day before the time fixed for such meeting; and such notices shall be given before six of the clock in the evening of any day on which the House shall sit, or two of the clock on any day on which the House shall not sit.

Ordered, That the said resolution be a Standing Order of this House.

PUBLIC PETITIONS COMMITTEE.

Sixth Report brought up, and read.—To lie on the table, and to be printed.

PORTUGAL.

LORD VISCOUNT SANDON presented a petition of British subjects, civil, naval, and military, claimants on the Government of Portugal, praying for the appointment of a Commission to investigate their claims for services rendered during the war of restoration.—To lie on the table, and to be printed.

On presenting the petition, the Noble Lord said:—To this petition are appended the signatures of more than 400 claimants, 40 of whom are officers. I take this opportunity to give notice, that, on Friday next, I shall move an Address to Her Majesty, founded on this petition.

MESSAGE FROM THE LORDS,

That they have passed a Bill, intituled, "An Act for naturalising Samuel Swain.

CASE OF FROST, &c.

Mr. LEADER.—I beg to renew my notice of a former evening, of a motion for an Address to the Queen, praying Her Majesty to be pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones, and to defer it until Tuesday evening next, the 18th instant.

THE RAJAH OF SATTARAH.

Mr. HUME.—I rise to give notice that I will, on Monday next, the 17th instant, ask the Right Honourable the President of the Board of Control whether he has any objection to lay before the House the documents and despatches relating to the dethronement of the Rajah of Sattarah?

THE BANKING SYSTEM.

Mr. HUME. — I beg to put to the Chancellor of the Exchequer the question of which I have given notice, namely, — as to whether the Right Honourable Gentleman is prepared to bring forward any measure for the better regulation of the banking system, and on what day?

The CHANCELLOR of the EXCHEQUER. — Sir, I am not, at present, prepared to fix a day, but I will certainly do so next week.

GOVERNOR OF NEW BRUNSWICK.

SIR ROBERT PEEL. — I wish to put a question to the Noble Lord the Secretary for the Colonies. There has appeared, in the newspapers of the day, a document which professes to be a memorandum from Sir J. Harvey, the Governor of New Brunswick, giving advice to the borderers as to how they should conduct themselves in the event of a war between Great Britain and the United States. I wish to ask the Noble Lord whether this is to be considered in the light of an authentic document? I should be extremely sorry to suppose that any circumstances have occurred, since the last advices, to induce Sir John Harvey to consider himself called on to take such a step as to promulgate such a paper.

LORD JOHN RUSSELL. — I can only say that I have not received, officially, any such document. Neither to-day nor yesterday have we received any accounts either from New Brunswick or Canada.

SIR R. PEEL. — Then I will ask the Noble Lord whether anything has recently occurred which renders it probable that any further communications will be made, on the part of Her Majesty, of papers or official documents, in reference to the discussions pending between this country and the United States on the subject of that colony?

LORD J. RUSSELL. — It is not the intention of Her Majesty's Government, at present, to lay any further papers on the table; but I will consider the request of the Right Honourable Gentleman, and will then communicate to him whether I find myself able to lay any documents on the table, or not. The Right Honourable Gentleman and the House must have seen the statements which appeared in the American papers, as to the correspondence that had taken place between Her Majesty's Minister at Washington and the Secretary of State for the United States. That correspondence has occupied some time, the first communication of Her Majesty's Minister at Washington having been dated so far back as the 12th of November. The correspondence is not, at present, terminated; and I do not think it would be wise to lay it upon the table.

SIR R. PEEL. — Sir, I have no wish to press for the production of any official documents. I have only been afraid that the document to which I refer might be authentic; and, if it have been really issued by Sir John Harvey, I do fear, when a public officer, holding so important a situation, gives advice to the borderers as to how they shall conduct themselves in the event of a war with the United States, that there must be considerable danger impending of that great calamity.

[Cries of "Hear, hear!"]

Thinking that, if that alarm be well grounded, communications must have taken place between the two Governments, I concluded that the Noble Lord might probably see reason to lay them before the House.

LORD J. RUSSELL. — We have really received no intelligence, which would justify the Government in producing the papers that I have just referred to. If the document which has appeared in the newspapers be genuine, some steps must have been taken in order to call for it, of which the Government is not yet aware.

THE CHINESE QUESTION.

SIR R. PEEL. — I wish to ask the Noble Lord, as the Noble Viscount the Secretary for Foreign Affairs is not in his place, when the papers which have been so long promised respecting the state of our relations with China will be produced. It does appear to me, seeing what is the state of the public mind, and considering the nature of the intelligence just received, that it is of the utmost importance to have before us whatever documents can be communicated to Parliament on this subject.

[Loud cries of "Hear!"]

Apart from other considerations, as the papers have been promised, I do trust that no time will be lost in communicating them to the public.

THE CANADAS.

Mr. PAKINGTON. — I will now beg to ask the Noble Lord the Secretary for the Colonies whether it is the intention of Government to bring in any measure for the union of the two Canadas? and, if so, at what period it is likely to be brought forward? I want to know, also, whether all the Returns respecting the numbers of the various religious denominations in Upper Canada, part of which were sent home by Sir G. Arthur last year, are yet received, and whether the Noble Lord has any objection to lay them on the table? I am anxious, moreover, to ask the Noble Lord whether Sir G. Arthur has retired from the Government of Upper Canada, as I have observed a statement to that effect in a newspaper? and, if the statement be true, whether Sir G. Arthur has been superseded, or has resigned?

LORD J. RUSSELL. — With respect to the first question, I have already frequently stated that the Governor General of Her Majesty's North American Provinces had obtained the consent of the Council of Lower Canada to the union of the two provinces; and afterwards the consent of the Legislative Council and Assembly of Upper Canada to that measure. According to the last accounts which I have received, the Governor General was still, at the date of them, occupied with the details of a Bill for that purpose; the Chief Justice of Lower Canada was expected every day. The Governor General hoped to send home the draught of a Bill by the packet which would leave New York on the 1st of February. I have not yet, of course, received that Bill; but as soon as it shall have arrived, it will be taken into immediate consideration by Her Majesty's Government; and I expect that, in the course of next month, I shall be able to introduce a Bill for the union of these two great provinces. With respect to the next question of the Honourable Member, I have directed the papers relating to the religious denominations in Upper Canada to be prepared, in order that they may be laid before the House. I apprehend that there are still some wanting; but everything that has been received will be presented. The Returns are not yet entirely ready, and I much doubt whether any means could be used to make them more perfect at present. Sir G. Arthur will, however, lay before the Assembly the means he thinks best calculated for that purpose. As to the last question, I have not the least reason to suppose that Sir G. Arthur is about to relinquish the Government of Upper Canada. I have no information from that Governor intimating any desire to be relieved from the duties of his office; and with respect to any despatches sent from home, they have all been couched in terms of approbation of the prudence by which the conduct of the gallant general in Upper Canada has been marked. I cannot, therefore, have any doubt that there is no truth in the report alluded to by the Honourable Member.

Mr. PAKINGTON. — I wish to know whether the additional Returns from all parts of the province have been received, and will be laid on the table?

LORD J. RUSSELL. — They have been received, and will be laid on the table.

ADDRESS TO HER MAJESTY.

LORD J. RUSSELL. — I have now, Sir, with the permission of the House, to move an Address to Her Majesty on the occasion of Her Majesty's marriage. I am sure that no argument from me will be needed to induce the House to consent, most willingly and cheerfully, to such an Address. I am sure that this House will feel, as the country has felt, that this is an occasion not only interesting to Parliament, not only interesting to Her Majesty, from its connection with her domestic happiness, but of great importance to the future welfare of these kingdoms. And allow me, with regard to this subject, to observe, that it must be a source of the greatest satisfaction to the country, to think that Her Majesty has been more fortunate, with respect to Her Majesty's marriage, than many of those who have been placed in such an exalted station; because it has been too often the case that the necessity for political alliances has made it requisite to contract marriages entirely based on political considerations, and in which the affections of the heart have been in nowise concerned. It must be a matter of great satisfaction to the people of this country to know that they have not demanded any such sacrifice from their Sovereign; and that while the political interests of the country have been consulted, they have not been obliged to ask Her Majesty to contract marriage with any person other than one on whom the affections of her heart were voluntarily and most worthily placed. With these few words, I shall at once propose the Address to Her Majesty, at the same time expressing my most sincere prayer, that the union so lately formed may last for many years, and that the blessing of Almighty God may rest upon it. I move that an humble Address be presented to Her Majesty, to congratulate Her Majesty on the auspicious occasion of Her Majesty's marriage, and to assure Her Majesty of the cordial joy and satisfaction which this House feels at an event which is a fresh instance of Her Majesty's regard for the interests of her people, and of so much importance to Her Majesty's domestic happiness, and to the welfare of the country.

SIR R. PEEL. — I trust I may be permitted to perform the pleasing duty of seconding the motion proposed by the Noble Lord.

[Cries of "Hear, hear!"]

I feel that the ordinary phrases of congratulation are so trite, and so exhausted by repetition, that it will be more consistent with good taste, and I trust with sincerity, to express my feelings in a very few words. I beg, therefore, on my own part, and on that of the great party with which I have the honour to be connected, to express our most cordial congratulations to Her Majesty, and the sense of great satisfaction which we entertain that Her Majesty has been able to perform a public duty in such a manner as to reconcile its performance with the best feelings of her heart; and to join in the prayer offered by the Noble Lord, that not only the public happiness of the country, but the personal happiness and comfort of our Sovereign, may be insured by this union.

Motion put, and agreed to, *nemine contradicente*, and the Address ordered to be presented by the whole House; Privy Councillors humbly to know Her Majesty's pleasure when she will be attended.

SIR ROBERT PEEL. — I would suggest that the Noble Lord should fix a day on which the Address should be presented, in order that all Honourable Members may have an opportunity of being present at the time of its presentation.

LORD JOHN RUSSELL. — Her Majesty's pleasure upon the subject shall be ascertained, and I will communicate Her Majesty's answer on Monday next. In the mean time, I beg to move that the Address be carried to Her Majesty by the whole House.

MESSAGE TO HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD JOHN RUSSELL. — I beg, next, to move that after the Address shall have been presented to the Queen, a congratulatory Address be sent to his Royal Highness Prince Albert of Saxe Coburg and Gotha, to congratulate his Royal Highness upon his marriage, and to express the joy and satisfaction which this House feels upon seeing the ardent wishes of a faithful people fulfilled by Her Majesty's wise and happy choice, and by Her Majesty's union to a Prince distinguished by a descent so illustrious, and by a character formed to support and adorn his exalted station.

Mr. W. DUNCOMBE. — Perhaps the Noble Lord will allow me to take this opportunity of putting a question to him, upon a subject which has excited great interest, both in and out of this House. I desire to be informed whether it is intended that the name of His Royal Highness Prince Albert shall be inserted in the Liturgy?

LORD JOHN RUSSELL. — I have no intimation to make to the House upon subject.

Motion put, and agreed to, *nemine contradicente*, and ordered, that Lord Seymour, Lord Ashley, Mr. Byng (of Middlesex), Sir George Clerk, and Sir William Somerville do attend his Royal Highness with the said Message.

ADDRESS TO HER ROYAL HIGHNESS THE DUCHESS OF KENT.

LORD J. RUSSELL. — Sir, there is one other motion which I propose to make, of which I have given no notice, but it is for another congratulatory address, to which I think that the House will not object. I propose that a congratulatory message be sent to Her Royal Highness the Duchess of Kent, to congratulate Her Royal Highness upon the marriage of Her Majesty; an event so deeply interesting to the maternal feelings of Her Royal Highness, and so conducive to the happiness of Her Majesty.

Resolution put, and agreed to, *nemine contradicente.*

LORD JOHN RUSSELL then moved that the message to Prince Albert should be carried up by Lord Seymour, Lord Ashley, Mr. Byng, Sir George Clerk, and Sir William Somerville; and that that to the Duchess of Kent should be carried up by the Earl of Lincoln, Mr. Villiers Stuart, Mr. Campbell, of Islay, Sir Thomas Dyke Acland, and Sir Matthew Wood.

The motions were carried.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD VISCOUNT MORPETH. — I move the Municipal Corporations (Ireland) Bill be now read a second time.

SIR R. H. INGLIS. — I must enter my opposition to this measure, viewing it, as I do, in the light of a " heavy blow to Protestantism," and " a great discouragement" to all those interests which I think most essential to our national prosperity. I cannot allow such a measure to pass, without recording my conviction that it is totally unfit for the country for which it is intended. I am aware that many of my Honourable Friends have felt it to be their duty not to concur with me in my opposition to this Bill, by reason of a sort of honourable compact which is supposed to have been entered into on this subject. I was no party to that compact, and am not bound, therefore, by its terms. But even supposing that compact to be binding if observed by both parties, it is now at an end, for one of the parties to it has failed to fulfil his share in it; and it becomes, therefore, the duty of those who introduced that Bill, in pursuance of that compact, not to press it. The Honourable Member for Dublin has openly avowed his continued and determined hostility to the Irish Church. To be sure the Honourable Member is always very cautious in what he says in this House on the subject of the Church; but what he says out of the House is couched in a very different strain. I have not been inattentive to the sentiments expressed by the Honourable and Learned Member out of this House, and I certainly think the House ought to pause before they give to the Honourable Member such increased means of pursuing his hostility to the Church, as this measure, if agreed to, will place at his disposal. When the Honourable and Learned Member does not hesitate to declare that the creation of these municipal bodies will transfer to the Roman Catholics of Ireland that preponderance in the municipal administrations which is now possessed by the Protestants; and when, at one and the same time, the Honourable and Learned Member avows that he looks forward to an attack, and a successful one, on the external system of the Established Church in Ireland; I do think that those who value the Protestant connection, or the existence of the Protestant Church in Ireland, ought to pause before they give these new and extensive powers to the enemies of the establishment.

MR. O'CONNELL. — Hear, hear!

SIR R. H. INGLIS. — I am sure that I would not willingly misrepresent the Honourable and Learned Gentleman, but I think that, from his assenting cheer, I may rest convinced that he acknowledges the accuracy of my conclusions. It would be useless to enter into further details of this compact. If compact there has been, one party has broken faith, and by that means released the other. I would ask those Honourable Members who support this measure,—have reformed corporations proved such an unmixed good in this country, as to make their introduction into the sister kingdom a matter to be desired? If the corporations of Ireland have improperly exercised their functions, they are amenable to a court of law, and you have no more right to deprive them of those functions than you would have to deprive any individual corporator of his municipal rights. I know that this measure will be carried, — I know that it is in vain to resist, — but I also know that I should not be conscientiously performing my duty, did I not resist it by every means in my power. I therefore move that the Bill be read a second time this day six months.

MR. LITTON. — I beg leave to second the motion. I thought it my duty to inform the Noble Lord opposite, on a late occasion, that if he would bring in a Bill truly to reform the corporations of Ireland, he should have my concurrence and support. I also thought it my duty to inform him, that, unless the Bill to be brought in by him was of the nature I had described, I should, even if I stood alone in the House, feel it my duty to oppose the second reading. I have never denied that the corporations of Ireland were in the hands of an exclusive party; but I protest against the Bill, because it goes to throw them, as completely, into the power of the other party. This is a most unjust Bill. I would be the last to object to a reform of the municipal corporations in Ireland; but this Bill is only an effort on the part of the Government to create a political engine for the encouragement of agitation, and to add to their political strength in Ireland. My objection is not merely that this Bill goes to throw the whole of the municipal authority into the hands of an exclusive party, but also that the persons into whose hands it will be thrown are of a class not likely to fairly, honestly, and impartially distribute the patronage, or faithfully to administer the pecuniary concerns of the corporations. It is, Sir, on this ground, mainly, that I oppose this Bill. We are constantly hearing an outcry against ascendancy; and still we are asked to pass this Bill, which will create an ascendancy of the most injurious kind. I may now be permitted to say a word or two on behalf of myself, and the friends with whom I act, on the subject of the compact which has been alluded to by my Honourable Friend the Member for Oxford University. I agree with my Honourable Friend in thinking that Honourable Members on this side of the House are not now bound by that compact. One condition of that compact was, that there should be a fair Tithe Bill for Ireland. The Tithe Bill which we have got was one owing entirely to ourselves; for I cannot forget that it was only in consequence of the determined resistance made by Honourable Members on this side of the House, to the proposition to give the clergy only 70 per cent., that we did obtain 75 per cent. for the clergy. And have we not had it repeated in this House, on the part of Government, that they only await the prospect of a majority to re-introduce the appropriation clause? Do we not know that, if they thought English feeling would bear it, Her Majesty's Ministers would press that measure? I would therefore put it to my Honourable Friends, whether the contract has not been broken, and whether we are not, therefore, relieved from any obligation? If it were otherwise, I am the last man who would recommend anything that could be construed into a breach of faith. I regret on this subject to have to differ from those Honourable Gentlemen with whom I have been accustomed to act, and with whom on all questions of policy, foreign or domestic, I hope on all occasions to agree; but I am afraid that this Bill is so full of infirmities that we could not hope effectually to repair it in committee, and that, therefore, I have no alternative but to oppose it altogether; although I shall, by doing so, be acting in opposition to many of my friends.

Mr. SHAW.—Sir, I will state at once, that, without pledging myself to any of the details of this measure, I intend to vote for the second reading. I feel bound, both by consistency and good faith, to take that course, because I have seen the good effects of the Irish Tithe Bill, in the increased security of the Irish Church, and the improved condition of society in Ireland. When the Honourable Baronet the Member for the University of Oxford reasons that his party is altogether free from every compact with regard to the Irish Church, because he sees that the hostility of the Honourable and Learned Member for Dublin to that Church is not diminished,—my answer to that reasoning is, that the Honourable and Learned Member was no party to the compact,—and that one great advantage has been gained for the Church,—namely, an Act of Parliament, by which the Church can be protected against the hostility of that Honourable and Learned Member. The Poor Law is, I believe, notwithstanding some drawbacks and difficulties, coming into useful operation; at all events, it will supply a safe criterion as to the franchise. But if I were even free from these obligations, I would call upon those Honourable Friends of mine who oppose the principle of the present measure, to state what is their own—and to propose some substitute of which I could approve, before I can lend them my support. I have not heard any one of my Honourable Friends contend that the Irish corporations can be retained in their present form: for my own part, considering the altered laws and circumstances of Ireland, I think that object is not possible or desirable; and from first to last, in all the discussions of the subject, I have never, either here or elsewhere, delivered a different opinion. I have advocated the abolition of those corporations, and still would do so, were it practicable,—maintaining, as I do, my former opinion, that their abolition would be the measure most conducive to the good government of the towns, and to the general peace and prosperity of the country, by preventing the recurrence of municipal elections, and the irritation of party contentions for ascendancy; and that the public funds would be applied for the real benefit of the inhabitants, and not to purposes of useless pageantry and show. But, after long perseverance, I, and those with whom I act, have failed to carry that measure of abolition, and in no small degree on account of those Honourable Friends who now oppose the present Bill refusing their support to that mode of settlement, — conscientiously, I freely admit, — but nevertheless preventing the settlement. What, then, is to be done? Corporations in Ireland cannot continue as they are; — abolition has been tried, and failed: and, to my mind, the only alternative which presents itself is, either to settle the question upon the principle that has been now agreed to by both Houses of Parliament, or else to leave it in its present unsettled and unsatisfactory condition, — a festering sore, inflaming the feelings of the most violent of both parties in Ireland, and the subject of constant and angry party contention in this House, to the exclusion of all useful and practical legislation for that part of the kingdom to which it relates. I am quite aware, from past experience, that I shall bring odium on myself by the part which I am now taking; the more so, by contrast with those Honourable Friends of mine with whom I generally act, but who, on this occasion, think it their duty to take a different course. But that shall not deter me from doing what I sincerely believe to be my duty. I think that exaggerated notions of the political importance of the measure have been formed on both sides, and by their reaction on each other. My greatest apprehension is, that wise and moderate men belonging to both will separate themselves from these new corporations, from a dread of that strife and animosity which their presence might greatly tend to prevent. I do not apprehend that with a *bonâ fide* 10*l.* franchise, what are termed Conservative opinions will eventually be overborne in these new bodies, as has been alleged by many of my friends, — provided only, that instead of indulging in unavailing regrets and bitter resentments at the past, those who hold them will exert themselves to assert that just influence to which their wealth, intelligence, and character entitle them. Nay, I would say, that it is my positive conviction, that the continuance of the Irish corporations in their present decayed and declining state, is rather an injury than a service to that great Conservative party to which I am proud to belong, and whose principles are—a firm but temperate maintenance of the civil and sacred institutions of the country; and above all, at the present moment, a determination, without giving offence to, or deriving superiority over, those of any class or creed, to support, by any or every sacrifice, the union of the Protestant Church with the State, in every portion of the United Kingdom. With these views I will vote for the second reading of the Bill, and endeavour, in the Committee, to make considerable amendments in the details, to many of which, in their present shape, I object.

Mr. SERJEANT JACKSON. — Sir, I feel, with my Right Honourable Friend, the importance of having this long vexed question settled. Her Majesty's Government have, year after year, brought in Bills to settle this question: they may have had a sincere desire to settle it, but certainly the means adopted to that end have been very ill advised. The Bill introduced last Session came down greatly amended by the other House; and I believe that, so amended, it met with the approval of Government, who would have permitted it to pass, had it not been for that overpowering influence to which they are too prone to succumb. A second Bill was brought in, and passed through this House with a rapidity which rendered discussion impossible, — a Bill with 250 clauses going through the House in two days! This Bill, as amended by the Lords, was also rejected by the Government, on the pretext that one of the Lords' amendments interfered with our privileges. For these reasons, I can hardly believe that Government have hitherto been anxious to settle this long-agitated question. But I do not think the House has had sufficient time to consider the present measure. Although it is now some time since the Noble Lord opposite brought in this voluminous Bill, it was only yesterday morning that I was put in possession of it. It is impossible that the people of Ireland can have had an opportunity of considering it. Nevertheless, the House is called upon to decide thus hastily upon it. Sir, I feel it to be my duty to lay before this House, and before the country, the grounds on which I shall vote for the second reading of this Bill. I am sincerely anxious that the question should be settled; and I hold that, after the transactions of last Session, the Conservative party are bound to consider, at once, of what would be the most proper mode to be adopted for the reconstruction of Irish corporations. It is well known, that for a long time this side of the House advocated the extinction of Irish corporations, and resisted their reconstruction; and that, during the whole of that time, a furious agitation was kept up by the enemies of the Church, which agitation has now ceased. It was said by a Noble Duke, the leader of his party in the House of Lords, last Session, that if the Poor Law Bill and the Irish Tithe Bill were passed in a satisfactory shape, he should feel himself bound to vote for the principle of a Bill for the remodelling of the Irish municipal corporations. These two measures have been passed; and, in conformity with that pledge, the party with whom I act are prepared to vote for the second reading of this measure. I am, however, bound to say, that I am well aware of the probable effects of it, if it be carried in its present shape; and, with the view to obviate them, I shall pursue such a course in committee as duty may dictate, and at all risks will follow it. I will therefore tell the Noble Lord that I will vote for the second reading of this Bill; but in doing so I shall take care to support or propose such modifications of it in committee as will prevent the most mischievous results arising. When the Government brought forward the Irish Municipal Bill, the members of Government in this House distinctly denied that it was intended by it to take the power in the corporations from one exclusive party and transfer it to another; and my Right Honourable Friend the present Master of the Rolls in Ireland, who was the law officer of the Irish Government in this House, made some powerful observations on this subject. On the second reading of that Bill, in 1836, my Right Honourable and Learned Friend said, —

> I know that it has been said, that the inevitable effect of this measure would be, to take the power out of the hands of one party, and give it to another. I am aware that this has repeatedly been said; but whatever credit may attach to my assertion, I have no hesitation in saying, that if I thought that this measure would take power from one exclusive and violent party, and give it to another equally so, — if such a party could be found,—it would not have a more determined opponent than myself. But I deny that such would be the effect of the measure.

Thus, it appears that my Right Honourable and Learned Friend anticipated my objection; and I maintain that the present measure, if it pass as it now stands, will have the effect of transferring all the power and influence in the corporations of Ireland from the Protestants to the Catholics. I, therefore, as the Irish Master of the Rolls did, on a former occasion, protest against being a party to such a proceeding, and shall therefore, in committee, propose a number of alterations to counteract the evils that must otherwise arise. Is the Noble Lord the Secretary for the Colonies aware of the relative number of voting houses belonging to Catholics and Protestants, in the municipal corporations in Ireland, which he proposes to place in schedule A? With all possible respect to the Noble Lord, I feel that the Noble Lord cannot have been aware of the proportion the numbers bear to each other, and that the effect of the Bill will be to deprive the Protestants of all share of power in those towns. Is it not the bounden duty of the Noble Lord to inquire into the subject, and to inform the House whether this measure will produce such an effect in any town in Ireland? I can tell the Noble Lord that I have taken some trouble on the subject, and I will tell him, also, that if he will look into the Report of the Commissioners of Public Instruction, and the Commissioners of Municipal Boundaries, he will perceive that in nearly all those places there will be an overwhelming proportion of voting houses in the hands of Catholics. What is the chief objection to the present corporations in Ireland? It is, that they are exclusively in the hands of Protestants. This was the ground urged for the abolition of them; but would it not be most monstrous — would it not be most unjust, because they are now exclusively on our side, that you should produce such a change as to make them almost exclusive to the opposite party? This would not only be grossly and manifestly unjust, but most impolitic. Is not this a Protestant state? Is there any man in this House who contemplates that this country will ever cease to be a Protestant one? If there be, I, for one, certainly never will be a party to any measure which shall be likely to produce such a result. But I may be asked what I would do to prevent the transfer I deprecate. I will tell the House what I would propose; but first of all I must observe, that the present Bill is *toto cœlo* different from that which the Lords amended last year. The Noble Lord, in his Bill, proposes one qualification for the first three years, and that, after that time, it shall be entirely different; but what is this latter proposal? Why, that after three years, every person who occupies a rated house in a municipal borough shall have a vote at the election of town councillors. Is not this an essential difference from the qualification laid down in the Bill sent from the House of Lords last year? There is also no clause to continue to the freemen and burgesses in those towns the freemen, be it remembered, were Roman Catholics; and I am glad, on this occasion, to be able to appeal to the opinions of Roman Catholics in support of my arguments. The people of Galway justly complained, that the inhabitants of the rural districts, who would have the same right of voting in the election of Members of Parliament for the borough, would not, as before, be subject to their share of the corporate rates. Is it not, I ask, an anomaly, and a breach of one of the fundamental principles of the Reform Bill, — that property should be represented, — that these new burdens should be imposed upon the inhabitants, and that those who are to be cut off from the borough in all fiscal matters, and who are to bear no share in the municipal burdens, shall still, as before, exercise an influence in the parliamentary elections? This is a grievance; and I call upon my Honourable and Learned Friend the Member for Galway, to support me in resisting this part of the Bill. Of the eleven towns in Schedule A, there are three which have distinctly exclaimed against the present Bill. Now let me just take the case of the city of Cork, with which I happen to be well acquainted. The rural district appertaining to the city of Cork is about six or seven miles in diameter; it contains 45,000 acres, and comprises an extent of 74 square miles; — what I speak of now is what is called the county of the city of Cork. Now, of this space there are only about four miles covered with buildings, belonging to what may properly be called the town. The inhabitants of the remaining part of this district have no more connection with the city of Cork than they have with the city of London, except so far as regards their nearer proximity to the former place; they have no interest in common with the inhabitants of the city of Cork. Now, what is the fact with respect to the parliamentary electors of the county of the city of Cork? A fact, not resting upon any doubtful testimony, but which has been proved before an Election Committee of this House. It was proved before that Committee, upon the evidence of the town clerk, who produced the affidavits with respect to their registration of voters, that there were 700 of these affidavits to which the names of the parties were not signed in their own handwriting; thus showing that there were 700 voters who could not write their own names. The men were not blind, but they were unable to write; and they adopted the practice, usual in Ireland amongst those who cannot write, of having their names signed by another party, and affixing their mark. It appeared, also, that there were one eighth of the constituency of Cork who had no qualification whatever; some had never been rated at all; and others had appealed against the rate. It appeared there was one eighth of the whole electors of Cork who had not a 10*l.* qualification. I think I have sufficiently shown that there are many points of great injustice in the present Bill, which I trust will be remedied in the Committee; and to that, I, for one, shall earnestly direct my attention. I feel that I have trespassed sufficiently long upon the House, and I thank them for the attention with which I have been heard. I shall redeem the pledge which I gave on a former occasion of voting for the second reading of this Bill; but I shall oppose it in every ulterior stage, unless it shall be so amended, in committee, as to satisfy my mind that it is not a Bill for changing the corporations of Ireland from being Protestant communities—which they were intended to be — into Roman Catholic societies. I shall use my best endeavours to improve the Bill, and to make it a safe Bill; but if I fail in that, I shall feel bound to offer it my most determined opposition.

Mr. O'CONNELL. — Sir, I cannot conceal from myself, nor do I desire to conceal from the House, the delight I feel in finding myself on the same side with the Right Honourable Gentleman opposite and the Honourable and Learned Gentleman who has just sat down; and with whom I shall be most happy to vote on the present occasion. I certainly did take the liberty of offering a suggestion across the House to the Honourable and Learned Serjeant, and if that had been acted upon, the Learned Member might have been spared the trouble, and the House the pleasure, of one half hour of his speech, which might then have been reserved for another occasion. The Honourable Member first declared his intention of voting for the Bill, and he afterwards adduced the towns of Cork, and Clonmel, and Galway, as arguments against the Bill. The arguments of the Honourable and Learned Member might have been very good if they had agreed with his vote; but, as it is, I confess I am better pleased with his vote than his arguments. I hope the Honourable and Learned Serjeant will give the House credit, when the Bill is in committee, for the instalment of the debate which we have this evening received from him, and allow us to escape so much on a future occasion. I am of opinion that the Bill will place those who call themselves "Conservatives" in a better position than they are at present. Many of those Gentlemen who, for political purposes, now appeal to the angry feelings and passions of certain parties, will no longer feel a necessity for so doing, but will consult the voice of the people of the cities and towns; and by pursuing that course, they will be better friends with their neighbours than ever they have been before. The Learned Serjeant has talked of Protestant meeting-houses and Catholic meeting-houses — but this is the first time I have ever heard a religion given to a house. The Honourable and Learned Member objects to the Bill, that it will take away the power from the Protestants and give it to the Roman Catholics. If the meaning of the Bill were to take power from a Protestant because he was a Protestant, and to give that power to a Catholic because he was a Catholic, I would oppose it most strenuously; but the complaint under the present system is, that the Roman Catholic does not get that power and privilege to which he is justly entitled. As a case in point, I may instance the city of Dublin, where, for forty-seven years, Roman Catholics have been eligible to be admitted to the corporation, and notwithstanding that the law so permits their admission, and that there are numbers of Roman Catholics amongst the gentry, and merchants, and the shopocracy, as they are, in the adoption of a new term, now called, and persons connected with the law, and the other liberal professions, yet, during those forty-seven years not one of them has been admitted. I hope the Learned Serjeant will excuse me when I say they have been excluded by Protestant prejudice. I should be heartily ashamed, and I should deplore it bitterly, if a Catholic corporation were to succeed in excluding Protestant wealth and respectability from civil rights because they were Protestants. Now I have shown that the Catholics have been equally admissible for forty-seven years with the Protestants, and yet none of them have been admitted, because they were Catholics. Let me be shown any provision in this Bill which gives a preference in civil rights to a man because he is a Catholic, and no one will be found more ready to expunge it than myself. The principle of the Bill is, that a certain degree of property ought to give a title to the franchise; and, whether the possessor of that property be a Protestant or a Catholic, he is equally entitled to the franchise under the Bill; and on the same principle, no matter what is his religion, he shall not have a franchise if he do not possess the property. No matter what religion a man is of, whether a Protestant or a Catholic, or even a Socialist, he may enjoy the franchise if he enjoys the property. If the greater proportion of the property were in the hands of the Protestants, why should they not have the franchise? And if, on the contrary, the greater portion of the property were in the hands of the Catholics, why should they not have it? The Honourable Baronet the Member for Oxford University probably differs from me, he being of opinion that the State ought to give a superiority to the man who is of the State religion. I am ready to admit that this Bill must be considered as a bad Bill by every one who holds such opinions; but it is a good Bill in the eyes of those who think that the possessors of property in the towns ought to have the regulation of the municipal affairs of the towns, and that no one ought to inquire what religion they are of, or if any man be impertinent enough to ask such a question, that no one should be bound to answer him. I am ready to take the Bill if it should pass in its present shape, though I believe there are many who may be dissatisfied with the franchise; but I feel that individuals are bound to sacrifice their opinions in order to secure a permanent and substantial good. I must, however, say, that, if the Bill should not pass in its present shape, — if it should be altered in any of its material principles, — it will not carry with it satisfaction to the people of Ireland; and I think it is the interest of this House to give its acquiescence to the just and reasonable demands of those who will be most affected by it. The people of Ireland demand the same municipal rights as the people of England; but they are content to take the Bill, although there is a restriction in it. They agree to that restriction, as it is to last only for three years. I hope the time will soon come when we shall be able to put an end to all such restrictions. I shall, on the present occasion, feel great pleasure in voting with the Right Honourable Gentleman, and the Honourable and Learned Member opposite, in support of this Bill; and I trust we shall be able to carry it through the Committee in such a manner as will enable us to bring this long-agitated question to a satisfactory conclusion.

SIR R. PEEL. — I do not intend to enter into any discussion of the details of the Bill on the present occasion; I shall reserve that for a future opportunity.

With respect to an admission I made in a former year, I must say that I do not now see any cause to induce me to retract that admission. With respect to the newly-inserted provisions, now, at the end of three years, on the question of the second reading of this Bill, I will not enter into that point; but I reserve to myself the complete power of acting hereafter, with respect to the details, as I may think fit. The main question which we have now to decide is, shall this Bill be read a second time, or shall it not? Shall an attempt be made in the present Session to bring this long-agitated question to a conclusion? But I have a better ground for assenting to this attempt to settle the question, for I hold that we are consulting no interest in Ireland by keeping the question unsettled, if we can settle it in any proper and satisfactory manner. With respect to the first point, concerning the fulfilment of the pledge which I made last year, — for I will not call it compact, as I do not consider that I entered into any compact on any occasion with Honourable Gentlemen opposite; but I made a declaration — as to the course I intended to pursue, and that declaration, it may be thought, might have a material bearing on the course which will probably be adopted by others. I said that, if there had been a satisfactory Tithe Bill passed, and a franchise established on the rating of the Poor Law Bill, in that case we would apply ourselves to the settlement of the corporation question in a form which would be satisfactory. I have no disposition to say that the agitation with respect to the Tithe Bill releases me from the pledge implied by that declaration. I doubt the policy of making the Honourable Gentleman opposite (the Member for Dublin) of so much importance; and, so far as the operation of the Tithe Bill is concerned, I will not so far compliment the Honourable Gentleman as to say that he has such power over the Catholics of Ireland as that, at his suggestion, they would consent to unsettle the Tithe Bill. I believe that he has not such power over the Catholics of Ireland, the majority of whom have so much of good sense and too much desire to consult the tranquillity of their country, to excite any particular degree of apprehension on that point; and I do not believe that if the Honourable Gentleman was inclined to do so by agitation, he has the necessary power. I do not think any conduct of his with regard to the Tithe Bill releases me from any promise I made on a former occasion. As many of my friends may vote against me on the present occasion, and as some of them have come into Parliament since the period to which I have referred, it is necessary that I should inform those who came into Parliament since that transaction took place of the reasons why I adopt a different course with respect to the Corporation Bill from that which I pursued on a former occasion. I long entertained the opinion that it would be better for the interests of Ireland if the people of that country would generally consent to the abolition of the corporations; but when I found that course was not considered to be satisfactory, and that it was felt as a humiliation and a degradation that there should be any difference between the mode of treating the corporations in Ireland from that which had been adopted as to corporations in England, I saw that those feelings of dissatisfaction entered as an important element into the question. I had, for a long time previously, wished to state as my opinion, that, upon the whole, there would be a greater prospect of religious peace and social concord in Ireland, if an arrangement were made to provide for the local government of the towns without any municipal corporations. We tried that principle. I proposed that the existing corporations should be abolished in Ireland, and, further, that no other similar bodies should be established in lieu of them; for I conceived it impossible to proceed with the principle of self-election in Ireland after the corporations had been abolished.

My Honourable Friend the Member for the University of Oxford has, this evening, called upon us to retain the principle of self-election in Ireland, although it has been abolished in England; but, as far as my experience goes, I do not think it consistent with the maintenance of the Protestant interest in that country to maintain self-election in Ireland after it has been given up in England. Let us take the town of Galway, for instance, where the great preponderance of property is in the hands of the Roman Catholics; and I ask you, would it conduce to the Protestant interest in that town if the principle of self-election were retained, and if Protestants elected each other, to the exclusion of the Roman Catholics? I think, on the contrary, that it would provoke so strong a feeling of dissatisfaction, that any good that might result from it would be perfectly overwhelmed and overpowered by the general discontent it would produce. Then take the case of Dublin: I do not believe that it would conduce to the Protestant interest in that great city if the principle of self-election were retained, and that the Catholics were practically excluded from all share in the municipal government. We tried that principle in 1835, when we were in a powerful minority, within 20 or 25 of the Government; and, on the motion for the abolition of the corporations in 1836, we were in a minority of 64. We repeated it in 1837, and we were then in a minority of 88. Although men are in opposition, they are obliged to look to the interests of the country; and the question which then remained to be considered was, whether it was for the Protestant interests, — seeing that the public mind in England and Ireland was against the abolition of the corporations, — that we should hope to carry this principle, and fight the battle successfully, against increasing opposition in this House, and with a decreasing minority. I did not act suddenly. I took every opportunity of consulting the opinions of that great party with whom I have the honour to act. I asked them whether they thought they could rely, under the circumstances of the case, on the permanent opposition of the House of Lords in maintaining this principle; and whether, even supposing that to be the case, it was on any ground desirable that the two Houses of Parliament should be thus kept in perpetual conflict with each other? I cannot say that all agreed, for some differed; but there was almost a universal opinion amongst us that the ground was not tenable, and that the public interests and the Protestant interests of Ireland would not be advanced by it. That gave force to the declaration I made; for I made it, not as a personal declaration, but on behalf of a great majority of that party. If the Noble Lord was influenced by that declaration in any measure which he proposed, I should be sorry, indeed, to be liable to the imputation that, having got the provisions I required, I did not fulfil my part of the engagement. At the same time, if I were convinced that the public interests could be injuriously affected by the course which I am taking, I should feel myself placed in a painful dilemma; and, as a public man, should have to decide whether I should fulfil my engagement, and, in doing so, act contrary to the interests of the public service. But I am not in such a dilemma; for the declaration which I made is consistent with my conviction that I am better consulting the public interests and the Protestant interests of Ireland, by assenting to the introduction of this Bill, than if I were to refuse concession to any attempt to settle this question. I confess that I will enter into the consideration of the details of this Bill with an earnest desire to bring the question to a satisfactory settlement. I do not deny that the Roman Catholic influence must prevail to a great extent in these corporations on account of their numbers and property; but I do not anticipate any of the extreme danger that some appear to apprehend in this respect. I am sorry that the Protestant interest should not have more influence in those corporations; but I doubt whether the establishment of municipal corporations will add much to the political influence of the Catholics. That power will not materially add to their political weight. See how the case stands at present. With the corporations in the hands of Protestants, can we congratulate ourselves much upon the political results? I am convinced that more advantage would be produced by depriving those who wish to agitate of a topic of agitation; and I am satisfied to run the risk of the elective principle, in order that a great body, whom I am desirous to look upon in the light of a large community of my fellow-countrymen, may not feel a sense of degradation at having withheld from them this concession.

I now come to the more narrow view of the system, and let us see to what extent it has contributed to advance our parliamentary or political interests. In schedule A there are eleven towns: Belfast, Cork, Clonmel, Drogheda, Dublin, Galway, Kilkenny, Limerick, Londonderry, Sligo, and Waterford. Out of these eleven towns, there is only one which returns a Conservative, — namely, the town of Belfast. My Honourable and Learned Friend the Member for Bandon says, that many of these towns protest against corporations, and that a great portion of the property and wealth of these towns is opposed to corporations. Well, be it so. Supposing that a great portion of the property is against the introduction of the corporations, is it not to be supposed that the influence of that property will be exerted, and that it will strive for a fair portion of the corporate offices? Take the case of Belfast, for instance; where I have no doubts, however, that they will be able to establish a very good corporation. There they will have no funds to administer, and consequently will be obliged to resort to a new taxation; and as soon as they commence to exercise their taxing power, you will then see that they will at once become unpopular. Many of these corporations will have to decide between two courses: they will neglect their duty, and leave the lamps unlighted, and the pavement unrepaired; they will neglect to attend to the comfort of the inhabitants, and then there will be comparisons made between them and the former corporation. They will then meet and determine to establish a borough rate, expecting that they will recover their popularity by this means; but when the rate comes to be levied, they will find that the imposition of the new rate has rendered them more unpopular than they were before. I apprehend that when we consider the disunion that may arise to a certain extent amongst parties now united; — the feelings of dissatisfaction that will be excited amongst one party, on discovering that the corporation has not come up to their expectations; — the discontent that will be excited towards those whose party had prevailed in the choice of the governing body; — I think, considering all these grounds, that the danger has been exaggerated with respect to these new corporations. I think, considering also the dissatisfaction that will be excited amongst the neglected candidates and their friends — the feelings of humiliation arising from having pretensions disregarded — the unpopularity arising from new taxation, — I think that, considering all these causes, our political influence will be rather increased than abated by the circumstances to which I have adverted. Now, I will take all the boroughs which at present return Members to Parliament. There are, altogether, thirty-three borough towns, having corporations which at present return Members to this House. Well; out of these thirty-three towns, there are only nine which return Conservative members. I apprehend, however, that this result ensues not so much from any danger growing out of the existence of these corporations, as from the extent to which, in many of those places, the franchise is in the hands of the Roman Catholics. I am certain that it would be inexpedient to make a provision that the elected body shall be of a particular persuasion, so long as the elective body are of a different persuasion. I do not think that there will be any risk to be encountered on account of religion. The election will always be sure to go in favour of those who profess a certain line of politics; and there will always be found men in whom the spirit of party will overrule all other feelings; and these men, representing in the corporations the feelings of the elective body, would be found quite as mischievous as any who might be debarred on account of their religious persuasion. I have already stated that in schedule A there is only one town which returns a Conservative Member to this House, and that out of the thirty-three borough towns having corporations, we have only nine Conservative Members. I know very well that it is impossible to deny that the Roman Catholics will, at first, exercise material influence in these municipal corporations; but I very much doubt whether their political influence, as distinguished from their municipal influence, will be increased by the grant of municipal corporations, when I consider how small a proportion of the municipal functions, in many towns, remains to be exercised. In the city of Dublin, for instance, the corporation will have very few corporate functions to discharge. You have already established, there, a paving board and a lighting board, and you have established, likewise, a street police, with which you have decided that the corporation shall not meddle. In fact, in Dublin you have excluded the corporation from the exercise of all municipal functions Thus, then, in everything which respects the interests of the corporation, the corporation will have scarcely any interference. We may, by refusing to read this Bill a second time, give encouragement to agitation; but I think that we ought to consent to the second reading of the Bill, as we have failed to persuade the people of Ireland that it would be for their interest, for a time at least, that they should be free from those municipal election contests, which will go far to interfere with social harmony, and to interfere with good fellowship amongst the inhabitants of many towns in Ireland. For though elections may be considered as a safety-valve for the expression of opinion, still they operate very much against this harmony of social feeling, and very much tend to interrupt it.

On these grounds, then, — first of all, of a desire to promote the interests of the Protestants of Ireland, and, secondly, of promoting the general interests of the country, — I think that this question should be brought to a final conclusion, unless there can be shown a strong necessity to the contrary. I have already stated that I did not enter into any compact with respect to this question; but this I feel, that no one could know what to depend on, if, on such occasions, the public declarations of public men were not to be adhered to. It would be a painful course if I were called upon to adhere to a declaration which I deemed to be wrong; but I feel that the declaration which I made is one in conformity with my own convictions, and that I consent to nothing in this Bill which I think ought to be amended. My own opinion is, that it is for the public interest — for the interest of Ireland, and for the interest of the Protestant party in that country—that we should seize the opportunity of settling this question, and that we shall gain no object by postponing it to another year, when we may have fresh difficulties to encounter, and a diminished chance, perhaps, of effecting a satisfactory and amicable settlement. I shall therefore vote for the second reading of this Bill, and shall enter into the Committee with the same feelings with which I give my vote to-night, and with a disposition to use my best exertions to bring this long-agitated question to an amicable, a satisfactory, and a final settlement.

Mr. W. V. STUART.—As the Honourable and Learned Member for Bandon has referred to me, with respect to the petitions from Clonmel, I certainly must say I think that the petition has been signed by respectable parties; but I do not think it of much weight, as I have reason to believe that many persons signed it under the representation, that its object was to relieve them from local taxation.

LORD JOHN RUSSELL.—Were it not for some remarks that fell from the Honourable and Learned Member for Bandon, and the Right Honourable Gentleman the Member for the University of Dublin, I should not have thought it necessary to offer any observations to the House on the present occasion. The Right Honourable Baronet the Member for Tamworth has stated that, with respect to this question, he entered into no compact with this side of the House, but that he made a public declaration of what were his intentions in this matter. He has repeated with perfect correctness what was the declaration which he made; and I must say that what the Right Honourable Baronet has now stated agrees, on the whole, with the declaration which he formerly made. However, the Right Honourable Baronet is mistaken if he supposes that I am prepared to agree to all the propositions with respect to this Bill which were pressed last year. There are some things which were contained in the Bill, and added by the House of Lords, last year, and some propositions which we have this evening been led to expect will be proposed in the Committee, to which I cannot give my assent. There were clauses introduced into the Bill last year, which, under a different form, and with a good deal of complicated arrangement, perpetuated these very corporations, and retained for them all that had been a matter of objection. The Honourable Member for Bandon proposed a plan, by which he would provide that half the governing body should be elected by one class of religionists, and the other half by the other, and that only half the members of the governing body should be elected by one class of the inhabitants; but, though I assisted in introducing and preparing a Bill with respect to charitable trusts, in which a principle something similar was admitted, I do not think that it would be at all advisable to introduce that principle into the Municipal Bill for Ireland. I shall therefore object to the introduction of this principle into the Bill, for I think that, in operation, it would be found to be mischievous. There could be no way more certain of perpetuating religious dissension, than that one party, being a minority, both parties in a town should each elect an equal number of town councillors, and that one set of these town councillors should belong to the Protestant party exclusively, and the other exclusively to the Roman Catholic party. In agreeing to the proposition of establishing a higher rate of franchise, I certainly do so against my own opinion, for I think that we have fixed the franchise higher than was necessary as a security for the constituency who would have to elect the governing body. However, there is nothing in that franchise which can give advantage to one party beyond another. It is merely a money value, and the franchise may be equally enjoyed by all who possess the qualification without reference to whether the individual be a Whig or a Tory, a Protestant or Roman Catholic, a Churchman or a Dissenter. I think this franchise will combine all interests. I hold, therefore, that, having decided in abolishing the principle of self-election and putting an end to religious differences, we should avoid anything that would tend to perpetuate those differences, and that would for one evil substitute another. I hope, in conclusion, that the Right Honourable Member for Tamworth will not content himself with supporting the principle of the measure. I hope that we may be able to bring this question to a satisfactory settlement in the course of the present Session. Having passed a similar measure with respect to other parts of the United Kingdom, it could not fail to be a constant source of dissatisfaction to the people of Ireland if we were to refuse to place them in the same condition, and to concede to that country a measure based upon a similar principle.

The House then divided:—Ayes 149; Noes 14; Majority 135.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, Hon. Colonel

Archbold, R.
Attwood, M.
Bainbridge, E. T.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Barrington, Ld. Visct.
Barry, G. S.
Beamish, F. B.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Butler, Hon. Colonel
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Chapman, Sir M. L. C.
Clive, E. B.
Collier, J.
Conolly, E.
Corbally, M. E.
Corry, Hon. H.
Cowper, Hon. W. F.
Craig, W. G.
Curry, Mr. Serjeant
Dalmeny, Lord
Divett, E.
Duke, Sir J.
Dunbar, G.
Dundas, Sir R.
Eaton, R. J.
Ellis, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzalan, Lord
Fleetwood, Sir P. H.
Fort, J.
French, F.
Freshfield, J. W.
Gillon, W. D.
Godson, R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Harcourt, G. G.
Hawes, B.
Hector, C. J.
Hinde, J. H.
Hobhouse, Right Hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howard, P. H.
Humphery, J.
Hutton, R.
Jackson, Mr. Serjeant
James, W.
Jermyn, Earl
Jervis, J.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Leader, J. T.
Lowther, J. H.
Lynch, A. H.
Macleod, R.
Marshall, W.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, D. R.
Pryme, G.
Pusey, P.
Ramsbottom, J.
Redington, T. N.
Richards, R.
Roche, E. B.
Roche, W.
Russell, Lord J.
Scholefield, J.
Shaw, Rt. Hon. F.
Sheppard, T.
Smith, B.
Somerville, Sir W. M.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Walker, R.
Warburton, H.
Westenra, Hon. J. C.
White, A.
Williams, W. A.
Winnington, Sir T. E.
Wood, B.
Wyse, T.
Yates, J. A.
Young, J. (Cavan)

Tellers.

Sheil, Rt. Hon. R. L.
Stanley, Hon. E. J.

NOES.

Archdall, M.
Bagge, W.
Blackstone, W. S.
Cooper, E. J.
Fector, J. M.
Hamilton, Lord C.
Kirk, P.
Polhill, F.
Pringle, A.
Sibthorp, Colonel
Smyth, Sir G. H.
Tollemache, F. J.
Verner, Colonel
Williams, R.

Tellers.

Inglis, Sir R. H.
Litton, E.

The Bill was then read a second time, and committed for Monday, the 24th of February.

FLOUR IMPORTATION (IRELAND) BILL.

On the motion of Mr. LABOUCHERE, Order of the Day for second reading read.

Mr. BEAMISH. — I have to present a petition from the millers of the city of Cork, who have considerable property invested in flour mills. The petitioners state that this Bill, if passed into a law, will be very prejudicial, in fact, almost fatal, to their interests; and they pray your Honourable House that it may not be permitted to pass into a law.

Mr. W. ROCHE, Mr. E. TENNENT, and Mr. J. BLAKE, also presented petitions against, — from Dundalk; Antrim and Down; John Southwell Brown and Richard D. Spears; Carlow; David Roche and others; and Galway.

Petitions in favour were presented, — from Drogheda; and Belfast.

To lie on the table.

On the question being put, that the Bill be read a second time, —

Mr. EMERSON TENNENT said: — I rise to take the earliest opportunity of entering my protest against the second reading of this Bill. I stated in a former stage of the Bill my determination to oppose it, and not, as has been suggested, merely on the narrow ground that it is a measure affecting the interests of the millers only; but on the broader principle, and the more important one, that it would materially interrupt the current of agricultural improvement in Ireland, and, so far from benefiting either of those classes for whose advantage it purports to be introduced, the manufacturers and the poor, that it would be a direct and serious injury to both. And when Honourable Members speak of the propriety of assimilating the laws of England and of Ireland in this respect, I would beg to remind them that it is out of the very dissimilar circumstances of the two countries that the present dissimilarity in the law has arisen. This is not an Act of a recent date, or a measure of the British Parliament, which you are about to annul and to repeal; — it is an Act passed by the Parliament of Ireland long before the Union took place, which has been recognised by the Act of Union, and which has been continued and perpetuated by every Corn Act passed by the Imperial Parliament ever since. The House are aware that, down to a very recent period, Ireland was almost entirely destitute of a home manufacture of flour, but was totally dependent upon England, and that even within the last thirty years her wheat and oats, even for her own consumption, were sent to Bristol, to Liverpool, and to Glasgow to be ground, and were thence returned to her in the shape of flour and oatmeal. It was to remedy this serious want that the present law was enacted. To show the peculiar circumstances of Ireland which led to this enactment, — so far back as 1757, an Act of the Irish Parliament, "for supplying Dublin with flour," recited in its preamble that the inhabitants "had frequently been reduced to great distress" from the difficulty of procuring flour, and, in order to encourage a steady supply at home, the Act affixed a bounty to every hundred weight of Irish flour grown and manufactured in the country and brought inland to Dublin. In 1763 this bounty was increased by another Act of the Irish Parliament, and, in 1777, it was extended to seaborne flour the produce of the country. Between this period and the Union, various other advantages and inducements were held out to capitalists to incline them to vest their property in mills, and powers were granted to bishops, corporations, and incapacitated persons, to enable them to demise lands on long leases for the building of flour mills; public money was advanced to erect mills in districts where private capital could not be found; and at length, in an Act passed in the year 1783, entitled "An Act for regulating the Corn Trade, promoting Agriculture, and providing a regular Supply of Corn," the present law, prohibiting the importation of foreign flour, was for the first time introduced. It would seem as if the previous policy, and its encouragement to the millers, had been found successful, and that the trade was so increasing as to hold out a prospect of its being adequate to the entire supply of the home market, and, in consequence, the eighteenth clause prohibiting foreign flour, was inserted, in these words: —

> And be it enacted, for the further encouragement of corn mills in this country (Ireland), that no corn or grain ground into meal or flour, or made into bread or biscuit, shall at any time be imported into this kingdom, except from Great Britain, and of British growth and manufacture, under penalty of the forfeiture of all such meal, flour, &c., and a sum of 5*l.* for every cwt. thereof.

In 1792 the penalty was still farther increased by the forfeiture of the vessel, and such continued to be the law till the period of the Union in 1800. In every act and proceeding of this Legislature since, the same policy has been recommended and continued. In 1801 and 1802 a Committee of the House of Commons, which sat upon the question of the corn intercourse with Ireland, specially reported the existence of this enactment, and recommended its continuance; and in the Corn Law passed in that year, as well as in those of 1804, 1806, 1815, 1822, and 1828, the protection was recognised and perpetuated; and in the discussions upon the latter Bill in the House of Commons the right of Ireland to this protection was strenuously insisted upon by Sir John Newport and Mr. Spring Rice; and in the House of Lords a motion of Earl Stanhope, by way of amendment, to exclude foreign meal and flour even from England also, was supported by Lord Ellenborough, the Marquess of Salisbury, and others, on the specific grounds of the duty incumbent on the Legislature to protect and encourage the agriculture of Ireland, through the promotion of its milling trade. The natural effect of the confidence thus inspired into the Irish capitalist by the assurance given him of steady protection was the building of a vast number of mills; and so striking is the contrast exhibited, in this particular, now as compared with the condition of Ireland at the Union, when there was scarcely such a thing as a flour mill to be found, that, by a Return in 1835, it appeared that there was no less a number than 1882 corn and flour mills then registered in that country — (that Return was imperfect even then, and the number has been since increased) — and that Ireland, which, at the time of the Union, was an importing country, exported to England, in 1825, 599,124 cwts. of flour and meal, and, in 1835, 1,984,480 cwts., being an increase of 1,390,356 cwts. within ten years; and, within the same period, an increase in the tonnage of shipping employed in that trade, alone, of no less than 69,267 tons, being the difference between 29,956 tons in 1825, and the raw material, — by importing, not the flour, but the wheat, with which to mix and amend the quality of his own grain. And it is a matter well known to practical men, that the quality of flour can most effectually be improved, not by attempting to mix the two flours, which it is almost impracticable to incorporate, but by mixing the two wheats in the hopper, or by dressing them off together in the final process of grinding. With a view to this process, the millers of Ireland are, at the present moment, large holders of foreign wheat; — one gentleman, in my neighbourhood, has this year imported 6500 qrs.; others in Belfast are similarly situated; and I have heard of one miller in the south of Ireland who holds not less than 100,000*l.* worth of unground corn. By this means, even in defective harvests, the supply is maintained in Ireland, not only abundant, but of superior quality. I have been given to understand that, in a memorial forwarded to the Board of Trade from one baking establishment in Belfast, this measure, now under consideration, has been pressed upon the attention of the Right Honourable Gentleman on the ground that flour of good quality cannot now be procured in Belfast. A petition from the same town has likewise been presented to the House; but that, with more caution, abstains from making so absurd an assertion. As to that memorial from the one baking-house, in order to meet it, I hold in my hand a memorial signed by twenty of the first bakers in Belfast, all of whom state that having learned that such an allegation has been made as that a supply of sound flour cannot be had in Belfast, they feel it their duty to give it an instant and direct contradiction, as, not only in this season but in other similar defective harvests, they have had an abundant supply of the best flour, ground from foreign wheat, imported specially by the millers around them. The argument for the Bill, therefore, from the necessity of importing flour to amend the quality of Irish wheat, fails utterly, inasmuch as it cannot be advantageously mixed when ground, whilst wheat can, most readily, be imported for that purpose, and all the profits of its manufacture into flour be retained at home, instead of being given to foreigners. The import has been larger in the present year. But, in the event of the admission of foreign flour, what is to compensate the miller for his inevitable loss upon the stock of wheat so laid up for the season's demand? And observe, too, that this stock must, to a great extent, be provided beforehand, in almost every year, whatsoever be the harvest, inasmuch as Ireland being an exporting country, the stock of home-grown grain in the hands of the farmer is generally exhausted about February in each year, or quicker, and the miller cannot, in Ireland, as he can in England — which then becomes the great depository for grain — purchase, from week to week, the quantities required for temporary demand without incurring the risk of keeping a heavy stock on hand. One evil which has been imputed to the corn laws is the amount of speculation which it necessarily entails upon the dealers in grain by the present system. But, if the trade were now to be compelled to speculation in stocks of flour instead of stocks of wheat, the evil would be multiplied one hundred fold, because wheat is an article which, with proper care, will keep sound for years, whilst flour is liable to heat, to sour, and to encounter numerous capricious changes which it is impossible to guard against, and on the least symptom of which the entire stock must be forced into the market, at any sacrifice, to insure immediate sale, — and thus an inevitable deterioration in prices must result even to the sound stocks in the hands of other holders. Now, is it any answer to a statement of facts such as these to say that the opposition to the Bill is altogether a miller's question, and that they alone are interested in resisting it? This might be a sufficient retort were the trade assailed a comparatively insignificant one, and were its petty protection pleaded in opposition to higher and more important national interests. But let the House remember that the trade in flour is now the staple manufacture of Ireland, — of equal, if not of greater value, than her linen trade; — and even if the influence of the Bill before the House were to extend no further than to the millers themselves, surely a trade which exports annually to this country close upon 2,000,000 cwt. of its chief article of food is well entitled to consideration and protection. But it is incorrect to say that the millers alone are interested. The farmer and the landowner are equally assailed through this measure. The cultivation and the growth of wheat has been found, in every instance, to be promoted by the establishment of mills. Lands, which before were in pasture or potatoes, are immediately prepared for wheat wherever the establishment of a flour-mill holds out the inducement of a ready market. This has been eminently the case in the counties of Tyrone and Armagh, in the midst of which the mills erected on the estates of

Lord Caledon have given a powerful impulse to the cultivation of wheat; and a remarkable instance has occurred on the estate of my Honourable and Gallant Friend the Member for Donegal, where a flour-mill has recently been built in a district in which not a blade of wheat had been grown before; and such was the instant change, that in one week, in this year, no less a sum than 1500*l.* has been paid at the mill for wheat grown in the district immediately surrounding it. It is quite clear that any discouragement given to the prosperity or the increase of mills, such as is threatened by this Bill, must put an immediate check to all such instances of agricultural advancement. Such is the opinion of Mr. Spring Rice, who, in the debate on the Corn Bill in 1827, declared that "the establishment of mills in Ireland had been a great means of promoting the culture of wheat; and the substitution of that grain for the potato, as a general article of food, was considered, on all hands, to be a great step towards raising the moral character of the Irish peasantry. But by any encouragement given to foreign flour, in his (Mr. Spring Rice's) opinion, the milling interest of Ireland would be wholly ruined." Fortified by such an authority as this, I am quite prepared to meet any assertion from the opposite side of the House, that this is not an agricultural, but a miller's question.

But there is another and a most important class whom this measure ostensibly professes to serve, but on whom I am prepared to show that it will inflict a serious injury, — namely, the operatives, and the labouring classes in Ireland. The great outcery against the corn laws in England is based upon the assumption that they tend to render the food of the artisans of this country more expensive than that of the operatives of foreign countries with whom they have to compete. Now, I am prepared to show that such would be precisely the effect of this measure upon the operatives of Ireland. The mere cost of converting wheat into flour — the miller's profits, in short — in Ireland, and in the countries from which Ireland would be likely to import flour, would, so far as I can ascertain, be pretty nearly equal; but the country in which the corn is ground for export, would always have this advantage, that, whilst the finer sorts alone are worth exporting, the coarser and the secondary flour go to increase the quantity, and consequently, to diminish the cost, of the food of the operatives and middle classes. In addition to which, the employment afforded by the mills themselves supply great numbers, perhaps from 40,000 to 50,000 persons, in Ireland, with a ready means to purchase them; so that the native mills always combine these three recommendations, — steady wages, an increased quantity of food, and lower prices. In any country the fair proportion of value between fine and course flour can only be maintained where the entire produce of the wheat is taken into consumption. But there being but one scale of duty on all flour proposed to be imported, it follows, that the first and finest only would become a matter of import in this country, thereby augmenting the quantity, and of course diminishing the cost, of the food of the rich; whilst the foreigner, producing beyond his own consumption, and exporting only the finest qualities, reduces the value of the coarser kinds, which he retains at home, in exact proportion as he increases the relative quantity, and thereby gives a direct advantage to his own operatives over ours. At the same time, the import into great Britain producing an excess of fine flour over coarse, destroys the relative quantity of the latter, and augments its cost to the British operatives. Besides, it follows from this, that every pound of fine flour imported into Ireland would prevent the manufacture of a corresponding quantity of wheat in that country, and, of course, exclude a proportionate amount of coarse flour from entering the market. The effectual method to relieve the operative and the poor is, to diminish the price, by increasing the quantity, of the food they consume; and for this, the most obvious expedient is, the encouragement of the native mills, which afford, not only the food to be bought, but the wages wherewith to buy it. If from any adverse circumstance of defective harvests, or of unsound native grain, it became necessary to import at all, that import should be the raw material, and not the manufactured article. We should import, not the flour, but the wheat, the grinding of which secures the profits of the process to our own capitalists, instead of foreigners, — gives employment to our own operatives, instead of to others, — and augments the quantity, whilst it diminishes the cost, of the food of the middle classes; whilst every barrel of the foreign ground flour we import takes away, not only a proportion of food, but a proportion of employment from our own mechanics. Such were the views of this question, taken in 1827, by Sir John Newport. If we must be driven to import at all, let it be grain, and not flour. "If grain were imported," he said, "the worst and the middlings went to support the poor; but, where flour was imported, it was the best sort, and was consumed exclusively by the rich. In the first instance our own poor derived the benefit,—in the latter, it went to the poor of other countries; and he (Sir John Newport) was convinced the House would not consent to give away this benefit to foreigners." But I have already shown that the scale of duties and of freights upon wheat and flour respectively exhibit the balance so strongly in favour of the importation of the latter, that it would not fail to be preferred. And I would beg the attention of the House for a very few minutes, to permit me to point out the injury which would result, not only to the operative in the cost of provisions, but to the agriculturist and the farmer, by the loss of the pollard and the bran for feeding cattle,—a resource which, in towns also, is a matter of the utmost importance. According to the calculation I have already read to the House, it appears that from every five bushels of wheat manufactured in this country the poor derive 40 lbs. of coarse flour, and the farmer 50 lbs. of bran, exclusive of less valuable offal for fodder or manure,—both which items must, as a matter of course, be lost, if the flour were imported in place of the wheat. And if such is the loss upon five bushels, apply the same scale, and look at the amount of loss upon an entire cargo. A ship of 300 tons burden would carry, as I have stated, about 2800 barrels of flour, or 1500 quarters of wheat; and, in the event of the owner preferring to freight her with the latter, the produce, as consumed in England, would be as follows:—

1500 quarters at 480 lbs. the quarter, amounts to 720,000 lbs., or 6428 cwt. 2 qrs. 8 lbs. and would produce—

	lbs.		cwts.	qrs.	lbs.
Fine flour, fit for export	432,000	being	3,857	0	16
Seconds ditto	72,000	. .	642	3	12
Coarse ditto	36,000	. .	321	1	20
Bran and pollard	108,000	. .	946	1	4
Waste	72,000	. .	642	3	12
	720,000		6,428	2	8

I have shown that on the balance of freight and costs, it would be always more profitable for a speculator, should this law pass, to import flour than unground corn; and in that event the positive loss, even on a single cargo, would be no less than forty-eight tons of food for the operative, and forty-seven tons of bran to the farmer—a loss which would be avoided by allowing the law to remain as it is, and thus securing the manufacture to ourselves. I do feel that the more fully this question is investigated and scrutinised, of the more extensive importance will it prove, and the more clearly will it be discovered to be, not only a miller's, but a manufacturer's and an agriculturist's question.

I have to apologise to the House for the length at which I have ventured to address it upon this question; but the importance which I attach to it will, I hope, plead my best excuse. I see in it not merely the immediate injury of the miller, by the depreciation of his heavy stock in hand, but the permanent depreciation of his property embarked and invested in buildings and machinery. I see in it double injury to the operative, by at once augmenting the value of his food and diminishing the amount of his employment; and, above all, I see in it an inevitable blow inflicted upon the agricultural advancement of Ireland. The principle of assimilation between the laws of England and Ireland fails as an argument in this case; and though the measure may be a good one, as regards England, which is already an importing country in the article of flour, it is preposterous as regards Ireland: it is carrying coals to Newcastle, to provide for importing flour into a country which already exports nearly 2,000,000 cwt. of it every year,—unless it be meant to supplant that export. But, if not in intention, it would at least prove in operation, a heavy blow and a great discouragement to the agriculture of Ireland, which is the sole reliance and support of that country. It is on this ground that I rely on the assistance of those who represent the English agriculturists in this House, to resist it. Their security, in this country, lies in making common cause with the agriculturists of Ireland. So long as England has Ireland at her back, as a granary,—as a second Sicily, to supply all her wants,—she has an unanswerable argument in reply to those who seek to supply her with food from the Continent, that she can draw that supply from home, from an integral part of her own empire.

This answer she can have so long as Ireland is in a situation to answer her demands; but if England allows the agricultural protection of Ireland to be invaded or weakened in the least degree, every step by which Ireland shall be incapacitated from supplying her will be an approach towards a dependency on other countries for her food. The present measure is an attack upon the security hitherto enjoyed by the Irish agriculturist: it is so felt in Ireland, and I do firmly hope that I shall have the co-operation of the English agriculturists in resisting it. The Right Honourable Gentleman who introduced the Bill (Mr. Labouchere) seems to consider it a measure of limited practical importance, and operative only in peculiar seasons. I have laboured to show that the contrary is the fact, and that it would prove instantly and actively detrimental. I have endeavoured to show that it would be a violation of public faith, relying upon Acts of Parliament unrepealed for nearly half a century, — that it would cause the immediate destruction of the stock in Ireland, and the ultimate deterioration of her vested property, — that neither the duty proposed, nor the ordinary checks of freight and costs would be any protection to her, — and that, both to the operative, in the price of provisions, and to the agriculturist, in the growth of wheat, it would be a serious and instant injury. And if, in any one of these points, I have succeeded in establishing my case, I conceive I have just grounds for calling on the House to support the motion I now make, that the Bill be read a second time this day six months.

COLONEL CONOLLY. — I rise, Sir, to second the amendment of my Honourable Friend; and, in doing so, beg to express my surprise that it should have been attempted to consider this as solely a miller's question. Without recurring, however, to the difference between the state of a miller in Ireland and of a miller in England, I wish to state, in concurrence with the views of my Honourable Friend the Member for Belfast, that there have been few things which have contributed more to the moral and social improvement of Ireland, by the check which it has given to illicit distillation, than the gradual change which has of late years been taking place in the tillage of the land in that country, by the substitution of wheat crops for those of oats and barley. There can be no doubt that the miller would be one of the first persons who would be injured by the alteration of the law contemplated in this Bill, inasmuch as he has embarked much capital under the existing system. And as for the cry which has been raised with respect to the inferior crop of the past year, it cannot fail also to be very injurious to the country generally, but more especially to those particular interests which have embarked capital in agricultural produce, and in the encouragement of that system by which the morals of the lower classes in Ireland have been so materially improved. I cannot allow the observations which have been made with regard to the course which was adopted by the late lamented Lord Caledon upon his estates in the county Tyrone to pass over, without bearing my humble testimony to the advantages to which that course has led, in Ireland; and I call upon the county Members to join me, in testifying to the benefits it has produced, and to show how greatly it has added to the welfare of that country. The great improvement which has of late taken place in the habits of the people, and the evident decrease in the system of illicit distillation, owe their origin to the beneficial course which was adopted by that departed Nobleman. By the adoption of this Bill, the House would be injuring those very persons who have been so much benefited under the existing law; and would see, as it has already seen in 1817, very serious consequences ensue to the millers and to the agricultural interests of Ireland. And here I much deprecate that affected regard for the poor of Ireland which has been put forth as so strong an argument in favour of the importation of foreign corn into Ireland, which, it is evident, could not be brought there without, on the contrary, the very worst consequences to the poorer classes of that country. I cannot consider this proposed alteration of the law in any other light than as a blow to the agriculture of Ireland; and, though I was charged, the other night, with having made observations upon the subject which were untimed and uncalled for, I am sure that it is only necessary to have this Bill once introduced into Ireland as the law of the land, in order to insure its universal condemnation. The introduction of such a law into Ireland would at once diminish all the advantages of the present system of maintaining the poor of that country; for, if the law is to be subject to constant changes, the result, of necessity, must be, that capital will be taken away, the agriculturist will be ruined first, the miller will be the next sufferer, and the injury to the lower orders will be worse than all the rest. I deny, then, distinctly, the advantages which it is stated would result from this measure, and I consider they have been sufficiently disproved by the arguments of the speech of the Honourable Member for Belfast; and that, even if there should arise from it, at any time, a trifling advantage, it would never be such as by any means could be balanced against the frequent and general disadvantages to which it would give rise. It has been stated that one argument in its favour is, that it tends to assimilate the law of Ireland, upon this subject, to that of England; and that, I may safely say, has ever been the dearest object of my life. But what Ireland wants is, encouragement to agriculture, which is its mainstay; and if a step is to be taken by which it is shown that the capitalists would first be ruined, and then that the food and support, as well as the morals, of the poorer classes would be injured, I cannot but think that the Right Honourable Gentleman (Mr. Labouchere) will shrink from the introduction into Ireland of a Bill like this. The millers of Ireland have, no doubt, been of great advantage to that country; and I will take this opportunity of saying that, so far from a measure like the present assisting the good that has been already done, Parliament will never improve, to any very great extent, the people of Ireland, except by taking such steps as will ameliorate their condition throughout. I entreat the Right Honourable Gentleman, then, to sift the bearings of this question thoroughly, before he presses upon Ireland a measure which would be of serious injury to a country that is making such great efforts to raise itself from the inferior state in which it has so long been placed. I shall have great pleasure in seconding the amendment of my Honourable Friend.

Mr. LABOUCHERE. — I think, Sir, that the alarm which has been expressed by Honourable Gentlemen opposite, with respect to this Bill, rests on very slender grounds. The Bill which is before the House is, in my opinion, founded on just and fair principles, and I deny that it will be injurious to the agricultural interests of Ireland. I must say that I certainly did not anticipate the opposition which the Bill has met with; and I rejoice at the discussion, because I believe it will tend to remove all misapprehensions upon the subject. I rest the defence of this Bill on two principles. First, I say, that in ordinary years, and under the ordinary circumstances of agriculture, the alteration of the law will have no particular operation; and secondly, that when circumstances shall arise to make it desirable that foreign flour should be admitted, as in the present instance, after a crop deficient both in quantity and quality, it is but just to the Irish consumer that he should be put on the same footing as the English consumer, by permitting the importation of foreign flour into Ireland, under the same protection as it is now admitted into England. It is absurd to imagine that in ordinary years, Ireland, which is a large corn and grain exporting country — the granary of England, — would, by the operation of this Bill, be flooded with foreign flour. I would call the attention of the House, for one minute, to a Return, which I hold in my hand, of Irish grain and flour exported into England since 1819, which will show at once how futile this apprehension is, and also the gratifying fact of the increasing prosperity of the Irish agricultural interest. The Return relates to the importations of wheat and wheat flour from Ireland into England from the year 1819 to 1839. It is, in round numbers, as follows: —

Years.	Quarters.	Years.	Quarters.
1819	153,000	1830	529,000
1820	403,000	1831	567,000
1821	509,000	1832	790,000
1822	463,000	1833	844,000
1823	400,000	1834	775,000
1824	356,000	1835	661,000
1825	396,000	1836	598,000
1826	314,000	1837	534,000
1827	405,000	1838	542,000
1828	652,000	1839	258,000
1829	519,000		

The last being an extraordinary year. I am afraid of wearying the House with these details; but I also wish to read to the House another Return, showing the quantity of all other kinds of corn and meal exported into England from Ireland during the same period: —

Years.	Quarters.	Years.	Quarters.
1819	967,680	1830	2,215,521
1820	1,415,723	1831	2,429,182
1821	1,822,816	1832	2,990,767
1822	1,063,089	1833	2,737,441
1823	1,528,153	1834	2,792,658
1824	1,634,000	1835	2,679,438
1825	2,203,962	1836	2,958,272
1826	1,693,392	1837	3,030,293
1827	1,828,460	1838	3,474,302
1828	2,826,590	1839	2,240,250
1829	2,307,244		

Now, I think that this scale of importation is quite sufficient to show that a country which can export produce to this extent has nothing to fear from the importation of foreign flour, under the same protection as in England, in all ordinary years; and I agree with the Honourable

Member for Belfast that, at such periods, to send foreign flour there would be like sending coals to Newcastle — it would turn out no profitable trade. With regard to the second ground on which I support this Bill, I would ask Honourable Members to notice how very little foreign wheat is directly imported into Ireland from foreign ports. In 1835 there was not one single quarter. In subsequent years the quantity was —

Years.	Quarters.	Years.	Quarters.
1836	. 551	1838	. 7,984
1837	. 2,587	1839	. 87,559

In this last year, as is well known, the country was placed under very peculiar circumstances, — there being, of course, from the deficiency in the harvest, a greater demand than usual. I do not pretend to say, however, that there has not been more foreign grain imported into Ireland, which has gone round to English ports first; on the contrary, I know that there is nothing to prevent English millers grinding foreign corn at Liverpool, and then importing it, in the shape of flour, into Ireland. It happened only the other day, that a cargo of foreign flour for Ireland was stopped at the Custom House; and in reply to the statement on the part of the officers of that establishment, that such a trade was illegal, it was urged that the flour had been ground in England; and I caution Honourable Members that they are now, under the present law, actually encouraging English millers to import flour into Ireland; and I have even heard, from very good authority, that lately there has arisen a considerable apprehension of a trade growing up in flour between Dublin and Liverpool. When you have one corn law for England and another corn law for Ireland, I think there can be nothing more reasonable than to put the law as to the importation of flour into Ireland on a different footing from what it is at present. When you have such a state of things as at present exists in that country, — a harvest deficient both in quantity and quality, — I think it but right to ask that the general consuming interest of Ireland shall enjoy the benefit of an importation. If there is no demand for foreign flour in that country, depend upon it there will be no supply; but if there be a demand, I do say that Irish millers ought to have the same protection as English millers; and that if the English have ever been safe under such a system of importation as that now proposed for Ireland, there is no ground for the outcry that has been raised against it in the present instance. The Honourable Member for Belfast says that we shall be encouraging the importation of stocks of flour into Ireland instead of stocks of wheat; and that stocks of flour are more subject to deterioration than stocks of grain; but I ask the House if it will consent to legislate on such grounds as these? Under these circumstances, then, I really do not know that I need trouble the House with any further observations on this subject. My opinion remains, after all that I have heard, unaltered, with respect to the Bill before the House, which I consider to be founded on principles of undoubted justice; and I cannot conceive, whatever the opinion of this House may be on the general question of the Corn Laws, that it will refuse its assent to a measure of such expediency.

Mr. SHAW. — The Right Honourable Gentleman complains that there has never been so much apprehension or alarm expressed on such slender grounds as that which is entertained on the subject of this Bill. I may, I think, fairly retort that a public measure, affecting an important branch of trade, has never before been brought forward by a Minister of the Crown, on grounds so extremely slender as those relied upon by the Right Honourable Gentleman. It is not enough for the Right Honourable Gentleman to say, "Oh! your fears are greatly exaggerated, and the operation of this Bill will be very trifling." It lies upon the Right Honourable Gentleman himself to make a case for its introduction. The Right Honourable Gentleman is about to change a law, under and upon the faith of which he admits that a new and most important trade has arisen in Ireland. In the year 1783, when the present law was enacted, there were, it was stated, but two mills in the whole of Ireland, and they have since that time increased to nearly 2000, affording a ready market to the agriculturist, occupation to the operative, and a supply of wholesome food to the surrounding poor. By the showing of the Right Honourable Gentlemen himself, there has been no demand for this measure, and but a single petition has been presented in its favour. The interest of the miller, the farmer, and the poor man are opposed to it; and under these circumstances, how can the Right Honourable Gentleman be justified in altering an existing law — deranging a system in full operation — causing great alarm in the minds of those who have already laid in a stock of foreign wheat for grinding into flour, and changing all the relations of a trade now the most flourishing in Ireland? The Right Honourable Gentleman has adduced no argument in favour of the Bill, but simply that of assimilation of the law to that prevailing in England. Such assimilation is, certainly, desirable *per se*; but then it is but a formal and technical good, and not for a moment to be balanced against a real and practical evil. It is true that Ireland is an exporting country, and that therefore in ordinary years the Bill would have no great effect; and therefore there is the less reason for forcing it against the general opinion of those who represent the interests of that country, for undoubtedly it would have the effect — by the possibility it would afford of importing flour in years of scarcity — of preventing those millers who, at the present time, lay in a large stock of wheat, in order to meet those years of scarcity, from purchasing at the only time they have a market in Ireland, — that is, shortly after the harvest, — owing to the poverty of the farmer, as compared with England, where a supply is at all times to be had by the miller. The Irish miller, too, now purchases foreign wheat to mix with an inferior description, while, I understand, two flours of different quality cannot be mixed with the same advantage. Under all these circumstances, then, I shall give my warmest opposition to the Bill of the Right Honourable Gentleman.

SIR DENHAM NORREYS. — It must have been very consolatory to the Gallant Colonel the Member for Donegal — who has predicted the ruin of the agricultural interest from the passing of this Bill — to have heard the Right Honourable Member for Dublin University, who has just sat down. No doubt the Gallant Colonel is not convinced by that most convincing speech of the Right Honourable the President of the Board of Trade; but he surely must have been convinced by that of his Right Honourable Friend below him, who says, that assimilation of the laws between the two countries is good, and that no possible harm can arise from this measure.

Mr. SHAW. — I really did not say so.

SIR D. NORREYS. — Well, at least, the utmost danger that the Right Honourable Gentleman anticipated by that was, that the millers might, possibly, feel some apprehension from its passing. To me there is another circumstance connected with this Bill which affords great consolation. The agitation which it has been attempted to raise among the country gentlemen about this Bill has utterly failed; they have become too wise to be cajoled any longer by millers and distillers, who, whenever any question is raised which affects their trade, at once try to raise the cry, "The agricultural interest is in danger." The country gentlemen have justly viewed this Bill as a question solely between the millers and the consumers, with which their interest is in no way connected. The fact is, that the millers of Ireland have greatly overrated their own importance, and have mistaken the cause for the effect. Our agriculture in Ireland would have flourished nearly as much, even had there been fewer mills. The millers should recollect that they have had nothing whatever to do with two thirds of the corn which we exported last year; that of 3,400,000 quarters of corn exported, more than 2,000,000 were exported unground. I hold it to be most absurd to say that agriculture has extended because mills have been built. Mills have been built because agriculture has extended. Mills are not built merely because there may be an eligible situation for a mill; but mills are built in eligible situations, where tillage already exists. It is no answer to tell me of the exertions made by individuals for the improvement of their property. The Gallant Colonel or Lord Caledon may have spent their 20,000*l.* or 30,000*l.* on mills, and may have seen their property improve; they may have forced an improvement by their expenditure; but I deny that such is the regular and legitimate course for capital to take.

The milling trade of Ireland has extended; but it is because capital has taken advantage of our great water power. We have rapid rivers, and a climate that amply supplies them. In other parts of the country there are also rapid rivers; but they flow through wastes, which hold out no inducement for the erection of mills. Our rivers are rapid, and flow through the most luxuriant soil: water power and tillage are with us united. But even these advantages would have failed were it not for the English merchants, and for that state of the law in England which really has been the cause of the prosperity of the Irish milling trade. Have the millers thriven through Irish prohibition, or through English protection? I contend that their prohibition has never been of the slightest service to them, or ever will be, until Irish prices shall exceed those of England. Prohibition is not always an advantage. Had the exportation of corn been prohibited, would the prices of corn have been enhanced? I think not; but the contrary: a saleable flour could not, at times, have been produced, and the prices of corn in Ireland would, probably, have fallen. Prohibition, therefore, is not necessarily an advantage. Though the millers have thus had the advantage of the state of law as it exists in England, yet they pretend to be afraid of its extension to Ireland. Have they not increased their manufacture of flour, and undersold the foreign manufacture in that market which regulates the price of flour? Have they not increased, while the returns of foreign corn and flour imported show that the state of the law does not hold out any inducement for the exportation of flour in preference to corn? Must not the price of flour, in England, on an average, be greater than that in Ireland, by freight, commission, and other charges, while they continue to export? Must not, in fact, flour be by so much cheaper in Ireland than in England? Yet, while they find themselves underselling the foreigner in the dear market, they profess to fear the competition of the foreigner in the cheaper market at home. Can anything be more absurd? It is asked, what good will this Bill do? I answer, absolute prohibition of importation is bad. Protect as much as you find requisite; but do not prohibit. Monopolies have been removed from every other trade: in many cases great suffering has ensued to individuals; still the monopoly was taken away. Why should the Irish miller alone have a monopoly, and that against his own countrymen alone? Why should we be left to the mercy of the Irish miller to give us just what sort of flour he pleases? Nay; why should we be left to the chances of the seasons, for I can conceive a long continued drought greatly to affect the price of flour in Ireland. I willingly support this Bill. I am convinced that it can do no harm, even to the millers; and that it may do much good.

Mr. HUTTON. — I shall give my support to this Bill, Sir, because I think that the removal of any prohibition is good; and that, whether there is any very great advantage to be gained by it, or not, the measure is entitled to our support, if we suppose or imagine that we are sufferers by the present system. I agree with the Right Honourable Gentleman the President of the Board of Trade, that the provisions of the Bill would not very often be called into operation; and I assure the Right Honourable and Learned Recorder opposite that, if I thought, for a moment, that the Bill would have any injurious effect upon the agriculture of the country, I would not advocate its adoption. I am willing to admit the great benefits which the Honourable and Gallant Member for Donegal and others have conferred upon their respective districts by the encouragement they have given to agriculture; but I cannot forget that, when, during the last Session of Parliament, a Bill was brought into this House which would have increased a hundredfold the consumption of paper, it was strenuously opposed by the interests likely to be affected by it: and, if every measure is to be opposed upon such a ground as that, I must say that, in my opinion, it does away with the whole force and value of such opposition. When we remember that the millers of Ireland are now a numerous class of persons, there can be no difficulty in accounting for the opposition this Bill meets with; and I do hope that the House will consider the interests of the consumers, and not be induced to throw out a Bill which, I am sure, will be hailed with pleasure by the great majority of the Irish people.

Mr. O'CONNELL. — Sir, the opponents of this Bill have asked what occasion there is for it. They have been told, more than once, that it assimilates the law of England to the law of Ireland with respect to the importation of flour; and that it will remove a restriction from Ireland which does not exist in England. Let those who advocate the restriction in Ireland attempt to introduce it into England, if it be a good restriction. This Bill goes no further than to place the corn laws of both countries on the same footing; and to that I can conceive no objection whatever. But besides this theoretic reason, there is a practical one in favour of this measure. The Right Honourable Gentleman opposite (Mr. Shaw) is aware that the last two crops in Ireland have been exceedingly deficient in quantity and inferior in quality. The deficiency in quantity is demonstrated by the fact that, last year, Ireland did not export more than one third of the usual quantity into England. One of the advantages of this Bill is, that it will introduce a supply of good dry flour to mix with the damp flour, and thus make it more saleable and wholesome. The Right Honourable Gentleman may be an excellent miller, but he is a bad baker; and I consider the bakers of Dublin to be much better authorities on this subject than the Recorder of Dublin. They have urged on me, in the strongest terms, the absolute necessity of a supply of good flour to mix with that which is now on hand. It is absurd to talk of doing mischief to the agricultural interests of Ireland by such a measure. Year after year, Ireland has been increasing her exports of flour, until the last two years, when the crops failed. Before that time, no one dreamed of importing flour into Ireland; and, if the law had been the same as in England, it would have been totally inoperative, from the fact that Ireland, in all ordinary seasons, is not an importing, but an exporting country. No man dreams of importing an article into a country from which it is exported in large quantities. The importation of flour into Ireland, then, can never become a permanent thing, and consequently no injury can accrue to any interest at present connected with the trade in that commodity. Wheat is allowed to be imported into Ireland from abroad; and why should flour be prohibited? The reason is obvious. You want to give a miserable profit to the millers of Ireland at the expense of the rest of the community. This is solely a miller's question. From whom are they to derive their profit? From the poor Irish consumer; so that you are robbing Peter to pay Paul. The consumers in Ireland wish for a supply of foreign flour, which you refuse, although you let them import foreign corn to be ground in Ireland. If the Irish miller can grind corn as cheap as the foreigner, he will have an immense advantage on the importation of foreign wheat; but if he cannot grind wheat as cheap, why should he be allowed to grind the poor consumer? But there is an additional necessity for the present Bill in the bad quality of the flour now in use. If bad flour does not generate disease in the consumer, at all events it predisposes the body for its reception. At the present moment, typhus fever rages to a fearful extent in Ireland; and in no place is it more prevalent than in Belfast. Do those Honourable Gentlemen who oppose the Bill mean to poison the middle and upper classes with bad flour, and thereby either produce, or predispose, to that dreadful disease among them? That will be the inevitable consequence of rejecting the Bill; for, after all, the question is one of life and death in Ireland.

[Cries of "Oh, oh!"]

I ask, would Honourable Members like to use bad flour themselves? Besides, if the crop is deficient in quantity, is not that a question of life and death? I consider the importation of foreign flour to be absolutely necessary in the present condition of Ireland, and therefore I am bound to give my support to the Bill.

Mr. LITTON. — Sir, if ever there was a Bill brought in to benefit the rich at the expense of the poor, it is the present Bill. After the calculations which have been presented to the House, and after the various opinions which have been expressed as to the probable loss or gain to the agricultural interest by the passing of the present Bill, I will not advert to that subject. But I put it to the House whether any individuals in Ireland will be gainers by the Bill except those who use the finest flour? In many parts of Ireland, notwithstanding the assertions made on the other side, the consumption of seconds and thirds flour amongst the lower classes contributes greatly to their sustenance, and frequently relieves them from the misery which they would endure if that supply were not afforded them. And they would be sufferers in another point of view by the passing of the present Bill; for it would diminish, to a great extent, their employment in the only manufacture which is left to Ireland, — the manufacture of flour. Now, it has been said, there is a division of opinion in that country on the subject. But how is that manifested? I have not heard of a single petition in favour of the Bill, whilst many have been presented against it. It has also been said that the Bill will have little effect If so, why introduce it? When a law is introduced, every one expects that it is to be attended with some effect, and the effect of this will be to introduce foreign flour into Ireland. I contend, that, precisely to the extent to which you introduce that description of flour, you will deprive the poorer classes of the means of industry, and of the means of profit, which this manufacture affords to thousands and tens of thousands. In the same proportion that you introduce foreign flour, you will also deprive the lower classes of the means of that food which, in times of scarcity, has been found most beneficial for them. These are the practical grounds on which I shall vote against the Bill. And there is this additional reason, — that, on the faith of the protection held forth to the millers, many millions of capital have been laid out by them, by which the face of the country has been completely altered in many parts. We are bound to protect that interest when we find no other interest in opposition to it; and to prevent the ruin which the present measure may lead to in the case of many private individuals.

Mr. ORMSBY GORE. — Sir, I do not wish to trespass on the attention of the House; but as the debate has been exclusively confined to Irish Members, perhaps it may be necessary that some individual connected with the agricultural districts of this country should state his opinion on the present question. I look upon it as not belonging exclusively to Ireland;—I think it has reference to this country also; and therefore, as I deprecate the slightest infraction of our present corn laws, I cannot remain silent whilst such an important question is under discussion. As Ireland is an exporting country, and England an importing one, and as Ireland exports to England, it appears to me that the more facility you give to the introduction of grain, in any shape whatever, into Ireland, the greater quantity will find its way into this country, and our agriculture will have an additional evil to contend with. Before proceeding further, I cannot refrain from giving my tribute of praise to the Right Honourable Gentleman the President of the Board of Trade, for the patient manner in which he listened to the representations of the deputation which waited on him the other day; and I must say that his only anxiety was, to make himself master of the subject. But, giving the Right Honourable Gentleman all the credit that is due to him for his courtesy, I confess, with my Right Honourable Friend (Mr. Shaw), that he has adduced no arguments in support of the Bill, for he has entirely confined himself to replying to the arguments of the opponents of the measure. I think it is not fair to ask the House, without ascertaining the opinion of the people of Ireland on the subject, to abrogate laws which were passed by a Parliament resident in that country, after committees, consisting of the cleverest men in Ireland, had been sitting from 1774 down to 1783, when this prohibition was established. I must also say that no necessity has been shown to exist for the present measure, because the corn laws have worked particularly well in Ireland, notwithstanding the prohibition which is now complained of. The Honourable and Learned Member for Dublin says, that the Bill will benefit the poor of Ireland; but I think the Honourable and Learned Gentleman who spoke last has completely proved the contrary. If you import flour into Ireland, it must be of the finest quality, for no other kind will pay the freight; but what benefit will that be of to the Irish labourer? The habits of the English labourer are altogether different from those of the Irish labourer. The former cannot go through his labour without having flour of the finest quality; and if seconds or thirds were given to him, they would produce an internal complaint which would prevent him from working. Now, that is not the case in Ireland. It may be said, "Introduce the finest flour into Ireland, and give the Irish labourer a better chance of procuring it than he has at present." But will Honourable Gentlemen be content to raise the wages of those labourers from 6*d.* a-day to 20*d.* or 2*s.*? If they will not do that, how are the poor to obtain the finest flour? I contend, therefore, that this is not the poor man's question, but the baker's question. No one else is interested in it. The millers of Ireland are against the measure, and it is also opposed by the landowners and the labourers; and although some of the ports are said to be in favour of it, I consider that to be a matter of considerable doubt. I therefore entreat the Government and the House to pause before they destroy the last manufacture of Ireland. That country was at one time the great staple of the woollen manufacture. England, however, thought fit to transfer that manufacture to this side of the channel, and the linen manufacture was given to Ireland instead thereof. This trade, however, I regret to say, is now in a declining state. Where, I ask, does the greater proportion of the flax that is used, come from? I speak as a farmer, when I say, the best land in Europe for the growth of flax is to be found in Ireland; but still, scarcely any is grown there. In the year 1837, about 30,000 tons of flax were imported into this country from Russia. The duty on foreign flax is almost nominal; and I ask, does not that fact operate seriously against the linen trade, and the agriculture of Ireland? In the two years when the flax crop failed in Russia, Ireland made a more profitable growth of flax than she had ever done of wheat, and yet the linen trade is on the decline. The manufacture of flour is now the only one left to her, and I trust that the President of the Board of Trade will leave well alone; but if he must pass such a measure as the one now before the House, let him postpone it until those who have the deepest interest in its enactment shall have had time to express their opinions upon it. I do not speak as a delegate expressing the opinions of one class of persons, but as a Member of the Imperial Parliament, equally interested in the welfare of every part of the united empire. I say, again, let time be given to obtain an expression of public opinion upon the measure, and if that opinion be favourable to the Bill, no one will be more ready to support it than I shall be; but if the Right Honourable Gentleman presses the second reading at present, I must vote against it.

LORD JOHN RUSSELL. — Sir, the Right Honourable Gentleman opposite (Mr. Shaw) has said that my Right Honourable Friend the President of the Board of Trade has done no more than remove the objections to the Bill; and the Honourable Gentleman who succeeded almost admitted in terms that my Right Honourable Friend has silenced the alarms felt on its introduction. Now I maintain that, if the objections are removed, the reasons given in support of the measure are quite sufficient; for the measure proposed is, the removal of a restriction which does not rest on the ground of policy or necessity, and a restriction of such a kind is a positive evil. You have no right to say to the merchant, the importer, the consumer, or any class of the community, " You shall not use certain articles," unless you can show good grounds for imposing a restriction on its use. Therefore, I contend that when the objections are removed, a sufficient reason is given for removing the restriction. If the people of Ireland wish to import or use foreign flour, they ought to have the option of so doing. It is a question of self-interest which each man must decide for himself. You may tell him that he would be ill-advised to use foreign flour, and that he can procure cheaper and better at home; but you cannot teach him that, by legislation. With respect to any danger to be apprehended by the agriculturist or the miller from the operation of this Bill, I think that was completely negatived by the details of the Honourable Gentleman who first addressed the House. He actually showed, with the greatest minuteness, by a number of statistical details, that such danger cannot exist;—he showed that it was better for the people of England to consume the flour ground by the millers in Ireland than to obtain it from a great distance, with the hance of deterioration, besides a considerable duty; — he showed that the interests of the people of England and the people of Ireland are the same in this respect; — he showed that the people of England import a considerable quantity of Irish flour, but very little foreign flour; so that there is no danger in a measure which does not take away the duty on foreign flour imported into England, but only removes the prohibition against admitting flour into Ireland. The Honourable Member said the reasons were twofold: first, the duty on foreign flour imported into England; and, secondly, the near neighbourhood of Ireland. Now, neither of these are affected by the Bill of my Right Honourable Friend, for he does not propose to alter the duty on foreign flour coming into England, nor does he propose to remove Ireland any further from this country than she is at present! I think, therefore, that the present Bill rests upon the general principle, that you ought not to impose restriction or prohibitions without very strong reasons. Mere restriction for the sake of restriction, preventing the subjects of the land from consuming that which they like, merely because you fancy it is their interest, is wanton, useless, and mischievous legislation; and it matters not whether that legislation was introduced a few years ago, or in the year 1788. I think the Irish millers have nothing to fear from a Bill of this kind, and that they may safely rely on their natural resources, their skill, and their energy: and, under these circumstances, it is my intention to support the Bill.

Mr. SHAW. — The Noble Lord must have misunderstood what I said. I did not admit that the Right Honourable Gentleman had answered the objections to the Bill; and I contend that he has shown no reason whatever for changing the existing law.

Mr. BEAMISH. — Sir, as a proprietor of mills, and looking at the whole question of this prohibitory law, I think it quite unavailing as a protection to the branch of trade in which my capital is invested. It is true, that many of the millers have petitioned against the measure, and one petition has been signed by sixty millers, who have invested upward of 200,000*l*. in the trade; but I believe they have been frightened by an imaginary evil. At the same time, I do no think the measure now proposed has bee generally called for, throughout the country; and therefore I would suggest that i ought not to come into operation until ou present stocks are consumed. I believ there is no general complaint of the poverty of the flour. The cry that has bee raised on this subject has emanated fro a few individuals in Dublin, Belfast, an two or three other places, and not fro the community at large. As the prese prohibitory law is useless, I think it woul be better to repeal it; but I trust, as said before, that the Right Honourab

Gentleman will not let the new Bill come into operation before the millers have worked up their present stock.

Mr. SERJEANT JACKSON. — I am happy to be able to add my testimony to that already given of the kindness with which the Right Honourable Gentleman received the deputation which waited on him yesterday. I did not presume to offer any opinion upon the subject when it was last under discussion, because I thought there might be some reasons for the proposition of the Right Honourable Gentleman; but since that time I have received communications from Limerick, Cork, and various other parts of Ireland, all deprecating this measure. I have not heard that it is called for by any class in that country, and if any petitions have been sent in its favour they must be very few in number. Considering that capital has been laid out to an enormous extent by the millers, I trust the House will pause before it passes a Bill of this description, which must have an *ex post facto* operation. There are now 2000 mills in Ireland, giving employment to an immense number of persons, most of whom will be deprived of their bread if this Bill receives the sanction of the House. The Honourable Gentleman opposite, who has advocated the removal of this prohibition upon principle, has nevertheless candidly admitted that the alteration ought not to be suffered to have a deteriorating effect on the large stock of flour already on hand. I quite agree with the Honourable Gentleman that the millers of Ireland ought to be permitted to work off that stock, and also that they should be allowed time to collect and express their opinions on the effects of the measure.

Mr. W. ROCHE. — I hope the Right Honourable Gentleman will consent to postpone the Bill, in order to afford the people of Ireland an opportunity of expressing their sentiments on the subject. I have always supported such alterations in the law as I have deemed consistent with the general interests of the country; but this measure has been brought forward so abruptly and unexpectedly, that I should recommend its postponement until the next Session.

Mr. CALLAGHAN. — Sir, in consequence of an observation which has fallen from my Honourable and Learned Friend (Mr. Serjeant Jackson), I am induced, though very reluctantly, to trouble the House with a few observations. My Honourable and Learned Friend has received a petition signed by sixty millers — who are my constituents — against the Bill. I, too, have been asked by them to oppose it, and I am anxious to state why I cannot comply with their request. The objections of the Honourable Member for Belfast, who leads the opposition to this Bill, resolve themselves into three grounds. The first is, that it is a measure introduced without any public demand. That may be a good reason to urge against the introduction of a measure of a doubtful character; but when the principle of free trade is so generally acknowledged, this Bill, which comes fairly under the description of a measure for the abolition of an unjust restriction, cannot be found fault with, on the plea that the community is indifferent to its object. The next observation of the Honourable Gentleman was, that the duty on foreign flour is calculated, in reference to wheat, on too favourable a scale. He says, "Whereas, the duty is taken on five bushels of foreign wheat, consisting of 196 lbs., the duty on the same quantity of Irish is calculated on 180 lbs. to the five bushels." The comparison, however, does not tell, for the only question is, whether, at the time the first proportion was struck, 196 lbs. were considered equal to five bushels of foreign wheat. The next objection to the Bill is, that it is calculated to do extensive injury to mill owners. Now, though I have been a miller, and still possess several mills (without working any of them myself), I do not feel at all apprehensive that this Bill will prove injurious to that interest. I know well, and can assert without hesitation, that the improved condition of that interest is not the result of prohibition. I recollect the time when Irish flour met with no favour in the English market, — when it was a sufficient objection to any description of flour that it was Irish; but the wants of the population of Lancashire and Cheshire have quite altered our circumstances, and instead of flour from my country being now rejected, it is sought after. It is to that circumstance, and to that alone, that the Irish millers ought to attribute their prosperity. I am not afraid that the importation of foreign flour will injure the Irish miller in his own market. The foreigner will not send his flour to Ireland when he sees the Irish miller export flour, for the purpose of profit, to England. It is absurd to suppose that the foreigner will seek a trade with a country where the price is low, and neglect England, where the price is high. There is one point, which is the subject of general complaint amongst mercantile men in Ireland, which has not been adverted to by those who have preceded me. The manufacturer of the north complains that when he exports his goods to America, he cannot get flour into his own port in return, but is obliged to pay the charges and commission attending the transfer from English bonding houses. The Irish merchant claims this advantage, not for the purpose of selling the flour for home consumption, but with the view of sending it into England, where it is more valuable. I am glad to be able to state that, with the spread of knowledge, there is a growing confidence in the principles of free trade, and in the abolition of all distinctions. And I must say that, whether as to corn or anything else, I am content with the laws which the English people think good enough for themselves. I entreat the Government, if they are not very much pressed, to put off the operation of this Bill for as long a period as they can; because I must admit that the representations of sixty intelligent mill owners are entitled to some consideration. I am convinced, however, that the more the subject is considered, the less apprehension they will entertain with respect to a measure of this nature. The Irish mill-owners, I think, would much more essentially promote their interests, by demanding the power of grinding foreign corn for exportation to our colonies, instead of allowing that trade to be monopolised, as it notoriously is, by mill owners on the Continent.

Mr. BROTHERTON. — Sir, I am decidedly against any postponement of this measure, which I consider likely to be very advantageous to the people of Ireland. This cannot be considered in any other light than as a miller's question, and their obvious intention is, as has already been stated, to grind the faces of the poor. The discussion which has taken place reminds me of the fact that about eighty or ninety years ago, every person in Manchester was compelled to have his corn ground at a town's mill, kept by two persons of the name of Bone and Skin. The monopoly was found to be exceedingly oppressive, and the following epigram was written on the subject: —

Bone and Skin,
Two millers thin,
Would starve us all, or near it;
But be it known
To Skin and Bone,
That flesh and blood can't bear it.

Mr. F. FRENCH. — Sir, it is quite a mistake to suppose that the question now under consideration has never before been agitated. I beg to remind the House, that a similar measure was introduced in the year 1827, by Mr. Canning, and that it was opposed by the late Chancellor of the Exchequer, now Lord Monteagle, and by Sir John Newport.

[Loud cries of " Divide, divide!"]

Mr. LABOUCHERE. — Sir, I shall certainly object to any long postponement of the Bill; but, if the House now assents to its second reading, it is not my intention to take a further stage until after Easter, and ample time will then be allowed for further consideration.

Mr. WAKLEY. — Sir, I will detain the House a very few moments.

[Loud cries of " Divide, divide!"]

Is it true that this Bill is necessary for the people of Ireland? Is it true, that the wheat, in Ireland, is so bad in quality, that it is likely to produce disease amongst the people?

[Cries of " No, no!"]

I believe it has been admitted, by every Gentleman who has spoken, that the quality of the wheat is bad; and, if so, can it be used without being injurious to the constitutions of those who feed upon it? I contend, that the most urgent necessity exists for the passing of thi Bill, which ought not to be delayed single day. If it were a Bill for th benefit of the aristocracy, no obsta would be thrown in its way; and request, on the part of the friends of poor, would procure its delay until af Easter. Two Honourable Members, are interested parties, have entreated the Bill may not come into operat until a distant day. If the millers likely to suffer by a Bill of this descr tion, it would be better at once to g them compensation, than to inflict a rious injury on the entire populatio the country. But the truth is, that measure introduced into this House the purpose of cheapening or giv better food to the poor, is sure to with a most violent opposition from tain Members, if it be likely to affect landlords to even the smallest pos extent. The Honourable Gentleman posite (Mr. O. Gore) opposes the because he believes that it will lea the introduction of more flour into country; and all the other Gentlemen who think it an infraction of the present corn laws, oppose it with the utmost sincerity. The conduct of the House on the question of the corn laws, is creating in the public mind a rapidly growing feeling of indignation and disgust.

[Cries of "Oh, oh!"]

I tell Honourable Gentlemen that the days of the corn laws, as at present constituted, are numbered. The public feeling is strong against them ——

[Cries of "Oh, oh!"]

and I defy all the power of the agriculturists to continue them in operation. In voting for the second reading of the Bill, I do so under the impression that it will be proceeded with as rapidly as possible; and that the Right Honourable Gentleman will prevent the millers of Ireland from sending amongst the people that food which is unfit to sustain human life. If it be true that bad food leads to the formation of disease in its most aggravated form, I shall consider that every Gentleman who votes against this Bill will vote for the establishment of typhus fever in Ireland.

[Cries of "Divide, divide!"]

The House then divided: — Ayes 154, Noes 102; Majority 52.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, Hon. Colonel
Bailey, J.
Baines, E.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Beamish, F. B.
Berkeley, Hon. C.
Bernal, R.
Bewes, T.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, E.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Chapman, Sir M. L. C.
Clayton, Sir W. R.
Clive, E. B.
Collier, J.
Corbally, M. E.
Cowper, Hon. W. F.
Craig, W. G.
Dalmeny, Lord
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duncombe, T.
Dundas, F.
Elliot, Hon. J. E.
Ellis, W.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gordon, R.
Greene, T.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Humphery, J.
Hutton, R.
James, W.
Jervis, J.
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, Right Hon. T. B.
Mackenzie, T.
Macleod, R.
Marshall, W.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, Hon. C. G.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Pryme, G.
Ramsbottom, J.
Reid, Sir J. R.
Roche, E. B.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Shelborne, Earl of
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Standish, C.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Talfourd, Mr. Serjeant
Tancred, H. W.
Teignmouth, Lord
Thompson, Alderman
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, B.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, Hon. E. J.
Steuart, R.

NOES.

Alston, R.
Archbold, R.
Archdall, M.
Attwood, M.
Bagge, W.
Barrington, Lord Vt.
Barry, G. S.
Bentinck, Lord G.
Blackburn, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Brabazon, Sir W.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Butler, Hon. Colonel
Cantalupe, Lord Visct.
Cochrane, Sir T. J.
Cole, Lord Viscount
Cooper, E. J.
Corry, Hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Dowdeswell, W.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Du Pre, G.
Eaton, R. J.
Ellis, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Hon. H.

Follett, Sir W.
French, F.
Gladstone, W. E.
Gore, O. J. R.
Grimsditch, T.
Halford, H.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Jackson, Mr. Serjeant
Johnstone, H.
Jones, Captain
Kelly, F.
Kemble, H.
Kirk, P.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Knox, Hon. T.
Litton, E.
Lowther, J. H.
Lygon, Hon. General
Lynch, A. H.
Mahon, Lord Visct.
Meynell, Captain
Miles, P. W. S.
Neeld, Joseph
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, R. T.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, R.
Polhill, F.
Praed, W. T.
Redington, T. N.
Richards, R.
Roche, W.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Visct.
Shaw, Rt. Hon. F.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Somers, J. P.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Sutton, Hn. J. H. T. M.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Welby, G. E.
Westenra, Hon. J. C.
Young, Sir W.

Tellers.

Conolly, E.
Tennent, J. E.

Main question put, and agreed to. Bill read second time, and committed for Friday next.

TRANSFER OF AIDS BILL.

Read third time, and passed.

SUPPLY.— WAYS AND MEANS. — TITHE COMMUTATION ACTS AMENDMENT BILL.

Committees deferred till Monday next.

SWAIN'S NATURALISATION BILL.

Read first time; to be read second time.

PRINTED PAPERS.

Mr. ALDERMAN THOMPSON.— Sir, in bringing forward the motion of which I have given notice, for the discharge of Mr. Sheriff Evans, I will trespass as shortly as possible on the attention of the House, and endeavour to abstain from saying anything which can, in the slightest degree, give offence to those Honourable Members who originally voted for the commitment of the sheriffs, and who, on subsequent occasions, have determined to continue their imprisonment. I ground my motion on the circumstance, that the authority of the House has been sufficiently vindicated by the long confinement, and the great privations, which the sheriffs have undergone. On Tuesday last, one of these gentlemen was discharged out of custody, after evidence had been given at the bar that his health had greatly suffered, and that any further imprisonment would endanger his life; and I regret to say that, up to this moment, his health has not, in the slightest degree, improved. I do not mean to say that the health of Mr. Sheriff Evans has suffered to an equal extent, but it has been materially affected by his imprisonment, as may readily be conceived, from the nature of the room, and the time which has elapsed since his committal; and I am justified in saying that, if he is detained much longer, it is impossible to foresee what the consequences may be. Another ground on which I submit that the privileges of the House have been vindicated, is this, that the judges of the Court of Queen's Bench have decided that the return made by the House to the writ of *habeas corpus* was sufficient. But there is also a third ground on which I may justify my motion; and that is, the general admission of the great defects in the law of Parliament with regard to privilege, and that it is impossible that such a state of things can long continue. What is this state of parliamentary law? The judgment of the Court of Queen's Bench is opposed to the resolutions of this House, and the consequence is, that if a party obey the orders and directions of that court, he is imprisoned by this House; and if he does not obey them, he will be incarcerated by the court. We were led to expect that, ere this, a declaratory Bill would have been introduced; and unless some such step be taken, those who are compelled to execute the processes of the court will be continually in danger of fine or imprisonment. In what position do we now stand? A writ of inquiry has been left with the sheriffs to summon a jury on Thursday next, for the purpose of assessing the damages in the case of "Stockdale *v.* Hansard," judgment having been suffered to go by default, and the damages being laid at 50,000*l.* If the sheriff do not execute the writ, he will be visited by the vengeance of the Court of Queen's Bench; and if he do execute it, he will be committed by the House. And let it be recollected, that this does not affect merely the sheriffs of London and Middlesex, but the sheriffs of every city and county in the empire. It is said, out of doors, but I cannot believe that to be the case, that one of the purposes for which the sheriff now in custody is detained, is, to ascertain the feelings of the other House as to a declaratory Bill.

[Cries of "Oh, oh!"]

I say that I do not believe it, but that impression certainly exists; and it is strengthened by the fact, that no Bill has yet been introduced, here. I believe every one admits that the sheriffs have acted in the most conscientious manner; and it ought to be borne in mind that their office is a compulsory one, and that if individuals so situated are to be subjected to this kind of treatment, it will be impossible to find any honest or respectable man willing to undertake the office of sheriff. There is one circumstance connected with the conduct of the sheriffs, which I have been requested to explain to the House. They have been charged with contumacy in presenting a petition to the House of Lords. Now, I beg to say, that it was not presented with the view of giving any offence to the House, or of setting its authority at defiance. The intention of the sheriffs was, to make the House of Lords formally acquainted with the situation in which they were placed, in order that it might lead to a conference between the two Houses, and thus afford an opportunity of rendering the law more clear and intelligible. The object of my present motion is, to appeal to the sympathy, to the humanity, and, I would say, to the justice, of the House. I have not at all entered into the question of privilege on this occasion. The House has decided that the sheriffs were guilty, and, admitting that to be so, I contend that the inconvenience and deprivation to which the sheriffs have been subjected, have sufficiently vindicated the authority of the House; and I therefore take the liberty of moving that, the authority of this House having been vindicated, it is the opinion of this House that its dignity and privileges would be best maintained by the immediate discharge of William Evans, Esquire, out of the custody of the Sergeant-at-Arms.

Mr. DARBY. — Sir, I rise to second the motion, and I think the worthy Alderman is perfectly justified in bringing it forward, because, after the long debate which took place the other evening, I did not clearly understand the ground on which the sheriffs were detained. I confess, that I entertained the opinion that they were continued in custody because it was intended to bring a Bill into the House of Lords. The Honourable Member for Leeds, a few nights ago, asked why the sheriffs should be released, whilst Thorogood remained in custody, evidently contemplating an exchange of prisoners. The Honourable Member for Kilkenny, last night, intimated that he would not have voted for the committal of the sheriffs, had he been aware that they had not received a regular notice, when it was distinctly stated at the bar that they had received none. What, then, I ask, is the real ground for continuing the imprisonment? Do you mean to make the sheriff a sort of hostage for the safe conduct of a Bill through the other House? Such a proceeding would be most unjust and unconstitutional. In what situation are the sheriffs now? A new action has been brought, and the Attorney General, last night, stated that the law officers of the Crown had not yet made up their minds as to what ought to be done. Do you mean to allow the action to go on? And if you do, is it your intention again to implicate the sheriffs in the proceedings for doing their duty? Or do you intend to stop the action before it reaches the sheriffs? I think that the Noble Lord said it would be impossible to stop the action, and that a Bill ought to be brought in. From that moment, you admitted that you could not vindicate your privileges through the sheriffs, and they ought immediately to have been discharged. If the Noble Lord intends to introduce a Bill, the custody ought not to be continued on such conditional ground. The Honourable and Learned Gentlemen the Solicitor General, in the course of a former debate, distinctly pledged himself to vote for the release of the sheriffs, when the course which he proposed should be abandoned. The Noble Lord repudiated that course, and although the Honourable and Learned Gentleman did not redeem his pledge, when the last motion was forward, I trust he will do so on the present occasion. I beg of the Noble Lord to consent to the release of the sheriff, who, according to his own admission, has acted with the strictest honour and integrity.

Question put.

LORD JOHN RUSSELL. — Sir, the Honourable Gentleman who spoke last seems to have misapprehended what I said. I conceive the state of the case to be this: we are endeavouring to vindicate the power of printing and publishing our proceedings; that power was interfered with by what has taken place, and in consequence of that interference, we voted the sheriffs guilty of a breach of the privileges of the House. How it can be said that our privileges have been vindicated merely by the power of commitment, unless the possession of the privilege be made clear and manifest, I cannot conceive. I cannot find any argument to show that our privilege is clear and undisturbed, and that if it again comes before the Court of Queen's Bench, it will be admitted. I did not say that the privilege could not be vindicated through the sheriffs. I stated, that I thought our powers were ample to vindicate our privileges, but that they were of such a nature, that their exercise might cause great public inconvenience; and rather than see that public inconvenience, accompanied with private hardship, I should be glad to resort to a declaratory Bill. It was not on the ground of any want of power in this House that I made that suggestion, but on the ground of the public injury, and public inconvenience, which might be felt from the assertion of our powers; because, from the manner in which the powers of this House have been exercised in former times, when less disturbance was occasioned by their exercise, no one can doubt that they are of the greatest possible extent. Our compassion has again been appealed to; but I must say, as the case at present stands, the only question is, whether we can yield to the dictates of our feelings, consistently with the vindication of our privilege. Reverse the case: suppose the judges were to issue an order which was, in their opinion, required for the maintenance of law and justice, and a person were to disobey that order, thinking that the judges had lawfully no right to make it—could any man expect that the judges would yield to feelings of compassion, and that they would not grant an attachment, or make the rule absolute? They would state what the law was, and would enforce it. Now, if a court of justice would not give up its judgment to feelings of humanity for individuals, I don't see why we, whose privileges are so important, should be called upon to yield to those feelings. I need only add that I shall give the motion my decided opposition.

SIR E. SUGDEN.—Sir, I do not intend to detain the House many minutes, but I cannot avoid making a remark or two on what has fallen from the Noble Lord. I understood the Noble Lord to maintain the necessity of keeping the sheriffs, because we have not yet vindicated our privileges so as to show that we can exercise them, free and undisturbed. If the Noble Lord intends to keep the sheriff until we can exercise our privileges free and undisturbed, we must uproot the law of the country; and the Noble Lord is prepared to go the full length of the Solicitor General and to make the imprisonment perpetual, so far as the power of this House can extend. The Noble Lord says, "Why are we to show mercy, when a court of law would exercise none, if its orders were disobeyed?" A court of law can show no mercy, for it is bound by the authority of the Crown, and by the judicial oath which is taken to execute the law. But the Noble Lord forgets that the sheriffs are placed in a conflict which they have not sought,—that the court will commit them if they do not act in a particular way, and that the House will commit them if they do; and he therefore entirely loses sight of the question before the House. The present question has been so often discussed, that it would be a mere waste of time to continue the argument; but as I have a motion on which I intend to take the sense of the House after the motion of the worthy Alderman shall have been disposed of, I may as well briefly state the grounds upon which I bring it forward. The first is the illegality of the original order, on the clear and manifest ground that what the House did in ordering the sheriffs to pay the money was, in truth, imposing a fine which the House has no power to do directly, and which it ought not to do indirectly. The money has already been paid to Mr. Stockdale;—to whom, as the Lord Chief Justice truly stated, it belongs as much as the estate of any Gentleman in this House belongs to its owner. If, therefore, you enforce the order, it must be by making the sheriffs pay the money again out of their own pockets; and that will be imposing a fine, which the House has not the power to inflict; and thus breaking in upon one of the main principles of the constitution by exercising a power which does not belong to you. But if that ground be, as it probably will be, disregarded—(and I say so, because, in the present temper of many Members of the House I cannot expect that any arguments, however weighty, will have much influence),—my second ground is, that the circumstances of the case are changed. When you ordered these two persons to pay the money back, you had them both in custody; and, as the order was equally binding upon both, if they had paid the money, it would have come out of their pockets in equal proportions. You have very properly discharged one, and the Noble Lord therefore will not consider the order binding upon him, for you can only enforce it by taking him again into custody; and I can hardly suppose that the Noble Lord would resort to so dangerous an experiment, which would place himself in a ten thousand times more painful situation than that gentleman. Well, then, can you retain the other, and make him answerable for the whole money? You have ordered two persons to pay 640*l*., and you have thought fit, without the consent of one, to release the other. Where is the equality, the justice, or propriety of calling upon the remaining one to pay the whole? Will the Noble Lord take half the money? No, he will not; but if he attempts to enforce the order against the gentleman now in custody, he will find the sense of the country against him. I hope, then, on these grounds, that the House will consider that the proper time has arrived for releasing both the sheriffs. I wish, now, to ask the Noble Lord what steps he means to take with respect to defending any future actions? The under sheriffs desire to know what they are to do. One of them has got a new writ. Is he to execute it? He will be compelled to do so, unless you can save him from the power of the Court of Queen's Bench; and you cannot do that. Punished he must certainly be; and the only question is—by whom? This is certainly one of the most excellent choices which any man can have. You may say that it is more fitting that the punishment should be imposed for disobedience to the House of Commons than for disobedience to the courts of law. But he has taken an oath with regard to the duties which he owes to the court of law, and none with regard to any obedience to the House of Commons. The under sheriff will, undoubtedly, sit on the writ of inquiry, and you must commit him. Will you commit the jury? Will the people of England tolerate that? Will you again shrink from committing the counsel, for it is openly stated that counsel are retained, and they will certainly perform their duty? If you commit the under sheriff, who sits as judge, you will find yourselves in this situation, that you must interfere with the judges of the Court of Queen's Bench. Suppose the *posse comitatus* to be called out,—which is possible,—the military force must be called out to oppose it! Is it desirable that the House should provoke a kind of civil war in the metropolis? Nothing would astonish me less than a conflict in the streets of London, if this course be persisted in. There is yet time for the Noble Lord to save himself from these difficulties. The Noble Lord says the power of the House has not yet been vindicated. He has not been able to establish it by detaining the sheriffs, because the courts deny the power of the House in that respect. But the House has vindicated its power, because it has shown that it has the power of judging of its own privileges; but it has that power only for the purpose of committing. That is the precise distinction. Every step has shown that you cannot succeed; and to keep this gentleman in custody is simply an act of cruelty, which the House ought not to sanction. I therefore trust the House will at once discharge Mr. Sheriff Evans, who has been imprisoned by no fault of his own

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[Cries of "Oh, oh!"]

What is the meaning of vindicating the privileges of the House? You have heard the Attorney General, the Solicitor General, the late Attorney General, the late Solicitor General, the Lord Advocate for Scotland, the Solicitor General for Ireland, the leader of the Liberal party, and the leader of the Conservative party, all of them, say—that you have the privilege now claimed; and is not that sufficient?

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HOUSE OF LORDS, Lunæ, 17° die Februarii, 1840.

APPEALS.

Persse *v.* Persse. — Further heard, and adjourned till to-morrow.

De Montmorency *v.* Devereux. — Adjourned *sine die.*

Forbes (pauper) *v.* Wilson. — Petition of the respondent to discharge the order allowing the appellant to sue *in formâ pauperis.*

Muir *v.* Muir and Company. — Petition of the respondent for leave to lodge cases.

Read, and referred to the Appeal Committee.

Hamilton *v.* Hamilton. — The respondent ordered peremptorily to answer in a week.

Balfour *v.* Malcolm. — Leave for a recognisance to be entered into for the appellant.

Dill *v.* The Earl of Haddington; Menzies *v.* Barstow. — Appeals presented, and respondents ordered to answer in four weeks.

QUEEN'S ANSWER TO ADDRESS OF THE 7th INSTANT.

Reported.

FIERS' NATURALISATION BILL.

Read a third time, and passed; and sent to the Commons.

ADDRESS.

The Lord Steward reported, That Her Majesty had appointed to-morrow, at two o'clock, to receive the Address of this House of Friday last.

SCOTCH CHURCH PATRONAGE.

The Marquess of Bute, the Earl of Erroll, and the Earl of Aberdeen presented petitions in favour of the principle of non-intrusion, — of the ministers and elders of the presbytery of Dundee: of the minister and elders of Gilcomston Church, Aberdeen: of the moderator and members of the Church Session of St. Clement's parish, Aberdeen: of the moderator and members of the Kirk Session of Bonnacord parish, Aberdeen: of the moderator and Kirk Session of Trinity parish, Aberdeen: of justices of the peace and others of Sorn: and of inhabitants of Trinity parish, Aberdeen; Belhelvie, Aberdeen; Monkton and Prestwick; Cross Island of Lewis; Mary Culter; Banchory Devenick; Newhills; Catrine, Sorn; Keltearn; Menmuir; Redgorton; Tibbermore; Anstruther Easter; Gilcumston; and Cumnock.

Petition of heritors and householders of the parish of Insch, objecting to the power exercised by the General Assembly in refusing to allow presentees to officiate without the sanction of the congregation, and praying for the adoption of some measure to settle the question.

Read, and ordered to lie on the table.

CHURCH RATES.

The Duke of Sutherland presented petitions for the abolition of, — of inhabitants of Tunstall, in the Staffordshire Potteries; Fenton, in the Staffordshire Potteries; Hanley and Shelton, in the Staffordshire Potteries; Burslem, Cobridge, and Longport, in the Staffordshire Potteries; and Longton and Lane End, in the Staffordshire Potteries. — Read, and ordered to lie on the table.

CASE OF JOHN THOROGOOD.

The Duke of Sutherland presented petitions praying for the release of John Thorogood (a prisoner in Chelmsford gaol), and for the abolition of the criminal jurisdiction of the ecclesiastical courts, — of Protestant Dissenters of Tunstall; Fenton; Burslem, Cobridge, and Longport; Hanley and Shelton; and Longton and e End. — Read, and ordered to lie on able.

INDIAN EMIGRANTS L COOLIES, ETC.)

LLENBOROUGH. — As I Bill has been introduced into House, having for its object a mission for the emigration of Indian labourers to the Mauritius, I think it is desirable that the House should be put in possession of some information as to the state of those who have already emigrated. I shall therefore move for the following Returns, to which, I believe, there is no objection: — Account of the number of Indian labourers imported into Mauritius in each year from 1833, inclusive; distinguishing the number of each sex: Also,

Account of the number of Indian labourers in Mauritius in 1832, and at the latest period for which a Return has been received: Also,

Account of the number of deaths amonst the Indian labourers in Mauritius in each of the above years: Also,

Account of the number of deaths amongst the Indian labourers on the passage from India to Mauritius; showing the number of deaths in each vessel, and the number of labourers originally embarked therein: Also,

Account of the number of Indian labourers condemned by the tribunal of Correctional Police in each of the above years: Also,

Account of the number of persons, lately emancipated, condemned by the tribunal of Correctional Police in each of the above years, and of the total number of such lately emancipated persons, during the same period.

Ordered to be laid before the House.

PAPERS.

Copy of Treasury warrant regulating the rate of postage on printed Votes and Proceedings of the Imperial Parliament, and printed Votes and Proceedings of Colonial Legislatures forwarded by post: And, also,

Accounts of the revenue and expenditure of the duchy of Cornwall.

Severally delivered (pursuant to Acts), and ordered to lie on the table.

Account of the additions to the life annuities in each of the years ending in January, 1836, 1837, 1838, 1839, and 1840, and of the stock surrendered in compensation for the same; and also of the amount of life annuities cancelled by death or otherwise in each of the same years. — Ordered to be laid before the House.

Copies of correspondence between the Commissioners of Poor Laws in Ireland and certain magistrates, Henry Podder, Esquire, and others, respecting the election of guardians for the Clonmel union: And, also,

Copies of correspondence between the Earl of Glengall, James Barry, Esquire, and the Commissioners of Poor Laws in Ireland, respecting the election of guardians for the Clogheen union, county Tipperary.

(Delivered on the 12th of August last). —To be printed.

SPAIN.

The MARQUESS of LONDONDERRY. — My Lords, I am unwilling to give rise to a discussion on the policy of Her Majesty's Ministers with respect to Spain, in the absence of the Noble Duke (the Duke of Wellington), who, as I understand, will not be able to attend in his place to-morrow. I shall therefore postpone my motion relative to the convention of Bergara, which stands for to-morrow, till Tuesday, the 25th instant, when I humbly hope that my Illustrious Friend will be present, — a hope in which, I am sure, all who hear me will join.

[Cries of "Hear, hear!"]

TAKING OF KHELAT.

LORD ELLENBOROUGH. — I beg the attention of the Noble Viscount opposite for a moment. Certain despatches having been presented to this House, and printed, on the subject of the war in Affghanistan, the Noble Viscount moved a vote of thanks to the officers alluded to in those despatches. Since then, we have received intelligence of the capture, by storm, of the important fortress of Khelat by a division of the British forces. I hope the Noble Viscount will lay on the table the papers relative to that achievement, and that he will take into consideration whether it would not be proper and just that the thanks of this House should be given to General Willshire, and the troops under his command, who signalised themselves on that occasion. There is another matter which I wish to mention. When the war in Ava was concluded, the thanks of Parliament were not alone given to the General in chief and the second in command, but to the brigadiers-general, also, by name. Now, it would, I conceive, be very proper if that course — which has not been followed in the recent instance — were henceforth to be adopted in any vote of thanks of this nature which Parliament may recommend.

VISCOUNT MELBOURNE. — I have no objection to lay on the table the papers alluded to by the Noble Lord. I entirely concur with the Noble Lord as to the propriety of a vote of thanks to General Willshire, and I think that the vote which has already been agreed to with respect to the services of the army in India, may be amended by inserting his name.

SOCIALISM.

The BISHOP of EXETER. — I wish to ask the Noble Viscount at the head of Her Majesty's Government, whether, in July last, he received a letter from the Reverend Andrew Irvine, of St. Margaret's, Leicester, to the effect stated in the letter which I shall now read to your Lordships: —

> St. Margaret's, Leicester, Feb. 11, 1840.
>
> My Lord, — In July last, I took the liberty of informing Lord Melbourne that the Socialists were making efforts to extend themselves in Leicester, and had advertised for a larger school room, not a little encouraged by the countenance of the Prime Minister, in introducing Mr. Owen to the Queen.
>
> As an instance of the evil effects of their proceedings, I stated to his Lordship that a youth of fifteen years of age, a teacher in my Sunday school, was in a public office with another clerk, about nineteen years old, who was a lecturer in the Socialist Institution, whither he took him more than once to hear some blasphemous addresses. He then gave him a paper containing many Scripture texts, chiefly denouncing God's judgments against the Canaanites, and added this injunction, "Read these texts, and consider them carefully; and if, after that, you deny that God Almighty is a regular beast, you are a beast yourself, and have no understanding."
>
> After making this statement, and expressing my regret at Mr. Owen's introduction to the Queen, I offered to communicate any other circumstance that might arise connected with the subject. His Lordship simply directed his secretary to acknowledge the receipt of my letter, and from that day to this there has been no further communication.
>
> The population of my parish exceeding 30,000 souls, there is large scope in it for the Socialists, who, I fear, are doing much mischief. They have Sunday meetings for lectures, &c., and dances, not of the most decent kind, on the Sunday evenings. It is impossible, therefore, for me to feel indifferent about their proceedings.
>
> I have the honour to be, my Lord,
> Your obedient servant,
> A. Irvine.
>
> To the Right Rev. the Bishop of Exeter.

VISCOUNT MELBOURNE. — I did receive such a letter.

The BISHOP of EXETER. — May I ask, did the Noble Viscount take any steps in consequence of that letter?

VISCOUNT MELBOURNE. — No.

The BISHOP of EXETER. — Did the Noble Viscount consider that any steps were or were not necessary to be taken?

VISCOUNT MELBOURNE. — To answer that question may lead to an argument on the whole subject, which I am very unwilling to enter into; but certainly, in my opinion, it was not necessary to answer the communication. Indeed, I very much doubt the prudence of the course which this House has adopted with respect to this question.

The EARL of ABERDEEN. — Does the Noble Viscount object to this communication? The Noble Marquess the Secretary for the Home Department complained, a few evenings ago, that a clergyman, instead of imparting information to him, had given it to others.

VISCOUNT MELBOURNE. — I do not object to this communication. On the contrary, I was obliged to the reverend gentleman for his communication; but I did not answer it, because I was desirous of avoiding a controversy on the subject; — a desire, however, which I fear the Right Reverend Prelate will object to.

The BISHOP of EXETER. — I would beg leave, in rising to present a petition, to make a few observations on the remarks which have just fallen from the Noble Viscount. The Noble Viscount at the head of Her Majesty's Government assented, after a long debate, to an Address, which recognised the necessity of a full inquiry being gone into with respect to the evils of Socialism. The Noble Viscount, however, declares, to-night, that in his opinion this House has acted unwisely in taking that step. I sincerely wish that the Noble Viscount had had the manliness, when that motion was made, to state that the course adopted was imprudent, if he thought so. Looking, however, to the high station in which the

Noble Viscount is placed, and considering that he agreed to that motion, I conceive that it is his duty to carry its object fully into effect. Indeed the Noble Viscount ought, in my opinion, to feel himself bound to use his utmost endeavours to render that resolution of your Lordships efficient. I think it is very wrong for a Minister of the Crown on one night to concur in such a motion, and afterwards to come down and say that the House, in his opinion, has done a very foolish thing in adopting it. I am astonished that the Noble Viscount did not feel it to be his duty to take immediate steps on the receipt of that letter; because, let me remind the Noble Viscount, that a great part of the case to which it relates rests on the Noble Viscount's own act, an act which he has himself admitted to be at least an indiscretion. It appears, however, that that indiscretion is being followed by evils of the worst kind — by encouragement of doctrines which cannot be entertained by any of Her Majesty's subjects without tending to the destruction of society. It is clear that the society is rapidly increasing in this particular neighbourhood; for it appears by the following advertisement, which was inserted in the *Leicester Journal* of July last, that they wish to establish a large school: —

> Social Institution. — Wanted to rent a large house, in a central situation, with a warehouse or premises attached, suitable for a school.

What doctrines are to be taught in such a school? That may be inferred from the instance adduced by the reverend gentleman whose letter I have read; an instance which came within his own notice, where one of those Socialist lecturers attempted to induce a young man to pursue a course of the most hideous blasphemy and profanation. If the Noble Viscount supposed that the reverend gentleman was deceived in his information, would it not have been natural and proper for him to inquire of the magistrates of the place whether those evils existed — whether they were spreading or not? If he had done so, I can assure the Noble Viscount the magistrates would have answered that they do exist — that they are spreading — that they have attracted the attention of the magistrates — and that the magistrates are eager that some course should be taken to check them and to put them down. The reverend gentleman, having been rejected by the Noble Viscount, — his communication having been disregarded, — took another course; he applied to the office at which the lecturer of the Socialists, who attempted to corrupt his Sunday school teacher, was employed as a clerk, and the reverend gentleman states the result of his application in a letter which I have received from him this day. The reverend gentleman says, —

> It will be satisfactory to your Lordship to learn that the clerk in the railroad office, who tried to corrupt my Sunday school teacher, was, in consequence of my representations, immediately examined by the board of directors, and, as he avowed a resolute adherence to his principles, even declaring himself so utterly irresponsible for his conduct, that he should feel justified in robbing them, if he thought fit to do so, and that the law which would punish him was a bad law, — he was dismissed from his situation.

However lightly the Noble Viscount and the Noble Marquess may consider these matters, it is, in my opinion, very important that they should be laid before the Government, and that the Government should take due notice of them. The Noble Marquess the Secretary for the Home Department, stated, on a former occasion, that he thought that the clergyman at that time alluded to had not acted properly in not giving information to him, and thus affording him an opportunity of discharging his duty, as he would have done if a proper representation had been made to him. I regret that the Noble Viscount does not appear to be actuated by the same feelings; for information was imparted to him, but he would not act on it. I do not doubt the sincerity of the Noble Marquess in his determination to assert the law with effect; and, trusting that the Noble Marquess will follow up the course he has promised to adopt, I shall not now make any motion on the subject, but content myself with presenting this petition, which is from inhabitants and householders of Mile End in the parish of Saint Dunstan, Stepney, complaining of the alarming progress of the system of Socialism, and praying for the adoption of measures for the protection of morality and religion.

The MARQUESS of NORMANBY.— I certainly did observe, on a former occasion, that, in my opinion, it would have been better, and more in accordance with his duty, if the clergyman, who stated that he was present when an officer of the Government had advocated blasphemous doctrines, had conferred at once with the Government, instead of waiting for six months, and then giving to other parties what he confessed was only an imperfect recollection of the facts. That opinion I still hold. I would not, however, have risen to make even this remark, if I had not wished to read to the House an extract from a letter I have received this day from the Mayor of Leicester, which may perhaps prevent the ill effects of the high-coloured statements made by the Right Reverend Prelate. The mayor says, —

> The number of enrolled Socialists subscribing money to the funds does not exceed 50. In addition, there are 200 candidates for admission, who are placed for three or four months in a state of probation. There is only one place for meeting, and it is a room only 30 feet square. Last year they held frequent meetings, which were attended by many through curiosity. The superintendent of police attended many of the meetings, and reported to the magistrates that everything was conducted in the most peaceable manner.

And he concludes by saying, —

> The mayor and magistrates are watching the proceedings.

The BISHOP of EXETER. — From the statement which the Noble Viscount has read, it would appear that the Socialists in this place do not exceed 300 or 400, and that those are principally attracted by curiosity and the novelty of the doctrines preached. But I believe that many more drink, very copiously, every Sunday, of these blasphemous and pernicious draughts. It appears, from a communication which I have received, that —

> The magistrates have taken no steps hitherto beyond giving instructions to the police to check all illegal acts. Some of them seem, however, very anxious to remedy the evil.

Thus, then, the magistrates confine the application of their power strictly to illegal acts, — to violations of the peace. I, however, when I took the liberty of exposing this system to your Lordships, did not, that I am aware of, allude to breaches of the peace, but to a grave violation of the law, compared with which an ordinary riot is nothing, — compared with which any violent personal outrage does not deserve to be mentioned in the same breath. The mayor of Leicester ought to be taught that he should enforce the law in other respects, as well as with reference to breaches of the peace. He ought to see that blasphemous and immoral doctrines are not openly promulgated with impunity. As to the smallness of the numbers of these Socialists, I shall only observe, that a very few hundred persevering men may, by union and concert, do a great deal in spreading their opinions. I understand that —

> The Socialists are in number about the same as the Unitarians, who have furnished mayors to Leicester ever since the new Municipal Act.

I mention this, not as a charge against the Unitarians, but I allude to it to show what 200 or 300 persons — what a small portion of a religious sect — can do, when they unite together for the purpose of effecting political or other objects. I have only now to move, my Lords, that this petition do lie upon the table.

Read, and ordered to lie on the table.

INLAND WAREHOUSING BILL.

VISCOUNT STRANGFORD. — When, on a former evening, I asked the Noble Viscount opposite whether any communications had been received from the officers of any fiscal boards in the country on the subject of the probable effect on the revenue of the proposed inland warehousing system, the Noble Viscount answered that such communications were unusual. Now, to show that they are not at all unusual, I hold in my hand a communication of the 26th of August last, relative to certain sugars then in bond, in which the opinion of the Board of Customs was directly addressed to the Board of Trade.

VISCOUNT MELBOURNE. — If the Noble Lord is going to make any motion, he had better give notice of it, and make his statement upon bringing it forward.

VISCOUNT STRANGFORD. — I give notice, then, for to-morrow.

VISCOUNT MELBOURNE. — To-morrow will be a very inconvenient day; say Thursday.

VISCOUNT STRANGFORD. — Very well. On Thursday I shall move for any Reports that may have been received from the officers of the Revenue Boards to the Treasury by the Board of Trade, relating to the extension of the principle of bonding warehouses to inland towns.

AFRICAN TRADE — BUENOS AYRES.

VISCOUNT STRANGFORD. — I wish, also, to give notice that, on Monday next, I shall call the attention of the House to a subject which I have already, more than once, brought before your Lordships; — I mean the state of our commerce on the coast of Africa, and the injuries which it sustains from th aggressions of the French.

VISCOUNT MELBOURNE. — The Portendic story?

VISCOUNT STRANGFORD. — No, a perfectly new case, — not the "Portendic story," but one of which, I venture to say, the Noble Lord opposite is, as is his wont, entirely and profoundly ignorant. Of that, however, on Monday next. In the mean time, I will ask leave of the House to read an extract of a letter which I received on Saturday week, from a gentleman at Buenos Ayres: —

> We have, at this moment, rotting here, — I mean at Buenos Ayres alone, and without any reference to the other places in this river, — upwards of two hundred cargoes, all ready for shipment to British ports, all the property of British subjects, and all brought down for shipment, in the belief that we have a paid Government at home, which could, and would, protect us; and that its interference would at last have put an end to this iniquitous and illegal blockade. These cargoes, from the nature of the goods of which they are composed, are daily perishing under our eyes, and will, in a short time, become utterly worthless.

The writer proceeds to add, that in which I do not know whether the Noble Viscount immediately concerned will agree with him. "I wish," says the writer, "Lord Palmerston were here." I beg the House to remember that this is a state of things on the third year of which we are about to enter, — a state of things for which, during the last Session, the Noble Viscount opposite said he hoped a remedy could be found, but for which he has this Session said there is no remedy at all; adding, moreover, that it is a state of things to which he sees no prospect whatever of a speedy termination. Now, I beg to say that it is a principle of the English law that there "is no wrong without a remedy," and that such, also, is the principle of the law of nations. If the Noble Viscount would descend from that lofty sphere "in which he lives, and moves, and has his being," and would but put himself in communication with the merchants, traders, and shipowners of this country, and would ask what they think of the protection afforded them, he would hear but one universal cry of censure and condemnation, — he would find one wide-spread, general, unalloyed opinion, that at no former period were the vital interests of the country so frequently and so shamefully assailed. Why is this? It is because the Administration, of which the Noble Viscount is the head, is not respected abroad. And why is it not respected abroad? Because it is not feared. And why is it not feared? The answer to that query is to be found in the statements relative to our naval force, which were recently made by a Noble and Gallant Friend of mine, and also in the extraordinary estimate of what "constitutes," — or, rather, I should say, of what does not "constitute" — the character of naval and military men, as it was explained by the Noble Viscount on the occasion to which I have alluded.

EAST INDIA PRODUCE.

LORD ELLENBOROUGH. — May I ask, has the Noble Marquess opposite any objection to refer to a Select Committee the petition for an equalisation of duties, which he presented from the East India Company the other evening?

The MARQUESS of LANSDOWNE. — On another day, I shall be prepared to answer the question.

TRANSFER OF AIDS BILL.

Brought from the Commons, and read a first time.

LAW COURTS.

A Bill, "to repeal so much of an Act of the forty-third of Elizabeth, intituled, 'An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster,' and of an Act of the twenty-second and twenty-third of Charles the Second, intituled, 'An Act for laying Impositions on Proceedings at Law,' as relates to Costs in personal Actions, and to make further Provisions in lieu thereof," presented by Lord Denman. — Read a first time; to be printed; and to be read a second time on Monday next.

On presenting this Bill, —

LORD DENMAN said: — My Lords, the object of this Bill is to provide that, in all actions for trespass, either of person or property, and in all actions of libel or slander, where damages under 40*s*. are awarded, such damages shall not carry costs beyond the amount of the verdict. This will be found to be a regulation of considerable importance, inasmuch as actions for small libels are constantly occurring, which are only introduced for the sake of the costs.

LORD LYNDHURST. — Hear, hear!

LAW OF EVIDENCE.

A Bill, "to remove Doubts as to the Competency of Persons, being rated Inhabitants of any Parish, to give Evidence in certain Cases," presented by LORD DENMAN.— Read a first time; to be printed; and to be read a second time on Monday next.

PRISONS ACT AMENDMENT BILL.

Report of the amendments (which stood appointed for this day) put off till to-morrow; and Bill to be printed as amended.

PAPERS.

Copy of the Charter of the University of London; Copies of the Regulations in Arts, Laws, and Medicine; and a List of the degrees conferred by the University of London; distinguishing the seminaries where the candidates were educated (delivered on the 28th of January last).—To be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Norwich Improvement (*No.* 1.). — Petition of owners and occupiers of land in Norwich, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Edinburgh Market and Petty Customs Bill. — Petition of cowfeeders and dairymen in Edinburgh, against.

Petitions in favour, — from county of Edinburgh; and city of Edinburgh.

Andover Road Bill. — Petition of trustees of the road from Basingstoke to Lobcomb Corner, against. — Referred to the Committee on the Bill; counsel ordered.

London and Greenwich Railway Enlargement and Station. — Petition for Bill reported; Report referred to Select Committee on Standing Orders.

Northern and Eastern Railway. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Wimborne and Piddletown Road. — Petition of Charles Castleman, for leave to proceed with the Bill. — To lie on the table, and to be printed.

Dublin and Drogheda Railway. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Glasgow, Paisley, and Greenock Railway. — Petition of Lord Blantyre, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Bolton Small Debts Bill, — "For the more easy and speedy recovery of small Debts, within the Town of Bolton, and other Places, in the County of Lancaster." — Presented, and read a first time; to be read a second time.

North Union Railway Bill. — Read a second time, and committed to Lord Stanley and the North Lancaster list.

Hull Docks. — Report from Select Committee on Standing Orders (14th February), read. — Bill ordered to be brought in by Mr. Charles Wood and Sir Walter James.

In the following cases petitions for Bills were reported; and Bills, respectively, were ordered to be brought in; namely, —

Honiton and Ilminster Roads, — By Sir John Yarde Buller and Mr. Montagu Parker.

Whittlesea Inclosure, — By Mr. Yorke and Mr. Townley.

Launceston Market and Improvement, — By Sir Henry Hardinge and Lord Eliot.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That, in the case of the Chrichton Charities petition, the parties be permitted to proceed with their Bill.
2. That, in the case of the Oakham Canal petition, the Standing Orders ought not to be dispensed with.

First resolution agreed to; Report to lie on the table.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely, —

Church Patronage (*Scotland*), — By Mr. Duff, Mr. M'Taggart, Mr. Wallace, Mr. Fox Maule, and the Lord Advocate, for alteration of law relating thereto, and against the intrusion of unacceptable ministers, — from Moffat (two petitions; Tibbermore; Perth Presbytery (Moderator); Cross; Plockton;

Moneydie; Ullapool; Knockando; Tain; Moonzie; Logiealmond; Comrie; Whithorn; Loggie Easter; Cullen; Tyuron; Stirling; Aberlorn; Monquhitter; Bohairm; Mortlach; Inveravon; Drainey; Greenock; Alves; Duffus; Urquhart; Inverkeillor; Aberdalgie; Maryculter; Methven; Banchory Devenick; Alyth; Redgorton; Glenlyon; Inchture; Dundee Presbytery (Moderator); Dumfries; Tundergarth; St. Mungo; Kirkpatrick; Irongray; Dalton; Troqueer and Maxwelltown; Barry; Kinnethmont; Dunscore; Glendovan; Gartmore; and Balquhidder.

Church of England, — By Sir Edward Filmer, Mr. Charles Wynn, Captain Polhill, Mr. Packe, Mr. Blackett, Lord Viscount Sandon, Sir Eardley Wilmot, Mr. Edward Bolton Clive, Lord Ashley, Mr. Barneby, General Lygon, and other Honourable Members, for extension thereof, and the diffusion of the means of religious education, — from Ampton; Brent Eleigh; Sandon; Quinton; Mickleton; Easton; Kingston and Thruxton; Haughton; Blockley; Wyke Regis; Bolton le Moors; Eglwysfach; Hereford (two petitions); Marlborough; Riddings; Woodhorn; Poulton; Bassaleg; North and South Kilworth; Bridgwater; Llanvihangel Lantarnam; Bracewell; Misterton; West Farleigh; Standon; Lutterworth; Milwich; Frankley; Ormskirk; Birmingham; Castlemorton; Bridport; Bradford Abbas; Haselbury; Bothenhampton and Walditch; Thornford; Sherborne; Fordington; Fifehead Neville and Belchalwell; Brookthorpe; Padiham; Astley; Campden; Pendle Forest; Pebworth; Stafford; Ewell; and Willersley.

Maynooth College, — By Sir R. H. Inglis, and other Honourable Members, against further grant, — from Brent Ely; Bridgwater; Bolton-le-Moors; and Tathwell.

Municipal Corporations (*Ireland*) *Bill*, — By Mr. Litton, — of beadles belonging to various guilds of Dublin, for compensation.

Church Rates, — By Mr. Hume, Mr. B. Wood, Mr. W. Williams, and Mr. Mark Philips, for abolition thereof, and release of John Thorogood, — from Oakham; Kidderminster; Bridlington; Charlton upon Medlock; Barking; Beverley; and Manchester (five petitions).

Poor Law Amendment Act, — By Sir Eardley Wilmot, — from Pershore union, for abolishing the assistant commissioners. (This petition stated that there are now more assistant commissioners under the New Poor Law, than that law allowed; and it prayed for the introduction of a Bill to amend this and other defects in the present administration of that law.)

Printed Papers, — By Sir Matthew Wood, and other Honourable Members, for discharge of the sheriff of Middlesex, — from St. Luke, Chelsea; Birmingham; and Newcastle under Lyme.

Newport Riots, — By Mr. Hume, Mr. Grote, and Mr. Kelly, for a free pardon to Frost, Williams, and Jones, — from Newmilns; Barnsley; London (two petitions); and Bromsgrove.

Flour Importation (*Ireland*) *Bill*, — By Mr. Barry and Mr. Serjeant Jackson, against — from Clonakilter; Newry; Westport; and Bandon.

Corn Laws, — By Lord Ashley, — from North Bierley, against repeal.

Also, petitions for repeal thereof were presented by Mr. Hume, Sir George Strickland, and other Honourable Members, — from Uxbridge; Denbigh; High Bridge; Auchterarder; and Shepley.

Elective Franchise and Municipal Corporations (*Ireland*), — By Mr. Corbally and Mr. O'Connell, for extension and reform, — from Errigle Treugh; Killaghanenagh; Carnaross; Moistrim; and Laracor and Gallow.

All the above petitions were severally ordered to lie on the table.

CONTROVERTED ELECTIONS.

Mr. Ord, from the General Committee on Elections, reported the names of Members selected by them, and who have consented to serve on the chairman's panel for the present Session, — namely, the Honourable Robert Henry Clive, Lord Eliot, Sir Charles Lemon, James Loch, Esq., John Wilson Patten, Esq., Edward Ayshford Sanford, Esq. Mr. Ord also reported, that the Committee had divided the list of Members referred to them, into five panels, marked A, B, C, D, E: whereupon the clerk decided, by lot, at the table, the order of the said panels, and distinguishing each of them by a number denoting the order in which they were drawn, as follows: — Panel B, No. 1.; Panel C, No. 2.; Panel D, No. 3.; Panel A, No. 4.; Panel E, No. 5.

THE ADDRESS TO HER MAJESTY.

Lord John Russell announced that Her Majesty, the Queen, is pleased to appoint to be attended to-morrow, at half past two o'clock, at Buckingham Palace, by this House, with the Addresses of congratulation on Her Royal marriage.

The SPEAKER. — It will be, perhaps, for the convenience of the House, that I take the chair at a quarter to two o'clock to-morrow.

PAPERS, RETURNS, &c.

The following were presented: —

Court of Chancery.—Return of amount of fees received by or on account of the six Clerks of the High Court of Chancery during the years 1838 and 1839 (ordered 5th February).

Tower of London. — Return presented of the number of visitors to the armouries at the Tower, from 1st February, 1839, to 1st February, 1840 (ordered 4th February).— To lie on the table.

Glass. — On the motion of Mr. Hodgson Hinde, Return ordered —

Of the amount of duty charged on glass; distinguishing the amount charged on flint, plate, broad, crown, bottle, and German sheet glass, in the year 1839; together with the drawback on each description of glass; the produce of the duties in England, Scotland, and Ireland, stated separately.

Answer to Addresses for papers (11th, 13th, and 14th February) reported.

Population (Ireland). — Return presented from the latest census, of the number of inhabitants within the parliamentary limits of each county, city, town, or borough in Ireland (ordered 21st January). — To lie on the table.

Grand Juries (Ireland). — Return presented — of the days on which, in each county, &c. in Ireland, the grand jury first met for fiscal business (ordered 21st January). — To lie on the table.

Murderers. — Return presented — of the number of persons sentenced to death for murder, in the years 1834—1838.

Executions. — Return presented — of the number of executions in England and Wales, during the three years ending 1836—1839. (Addresses respectively, 14th of February). To lie on the table.

TITHE COMMUTATION ACTS AMENDMENT BILL.

Order (12th of February) for committing the Bill to a Committee of the whole House, read, and discharged. Bill committed to Sir Edward Knatchbull, Mr. Fox Maule, Sir Edward Sugden, Mr. Hayter, Mr. Darby, Mr. Hodgson Hinde, Sir Robert Harry Inglis, Mr. Freshfield, Mr. Miles, Mr. Greene, Sir Charles Vere, Colonel Wood (Middlesex), and Lord Viscount Mahon. Five to be the quorum.

MESSAGE FROM THE LORDS,

That they have passed a Bill, intituled, " An Act for naturalising Charles Fiers."

THE POST OFFICE.

Mr. WALLACE. — In reference, Sir, to my notice of motion upon the paper of this evening, for copies or extracts of all the information that has been furnished by the authorities of the Post Office to the Right Honourable Member for Harwich, &c., with the particulars of such verbal communications — if any — respecting an anticipated or probable deficiency in the Post Office revenue, as alluded to by the Right Honourable Member, in the debate on the financial state of the country, on Thursday, the 13th instant, I beg to announce to the House, that I find that my motion is not strictly regular, because it has reference to what took place in a former debate; and as it is always my wish to avoid any irregularity where the forms of the House are concerned, I beg to withdraw my motion for the present.

Mr. HERRIES.—In consequence of the step now taken by the Honourable Gentleman, in withdrawing the notice which he has given, on the ground of irregularity, I beg to say, that the House will do me a great favour, if it will allow me to offer a very few words,—and this on account of the anxiety I feel on behalf of others — really not on my own account. Every Gentleman who has read the notice which appears on the paper for this day, will form his own judgment on the propriety of that notice. Upon so much of it as relates to myself, I shall offer no observations; but there are others concerned in this notice which appears on the Votes of the House of Commons, on behalf of whom I have felt it my duty to beg permission of the House to say a very few words. I mean, when I use these terms, to refer to the officers of the Post Office, who are designated, in the notice of the Honourable Gentleman, as the "authorities of the Post Office," and with respect to whom it is proposed that the names of such persons shall be laid on the table of the House for furnishing information to me, whether direct or indirect, written or verbal. Now, Sir, those Gentlemen have, all of them—as we in this House must have—characters in society to uphold, which, to them, are of the utmost value. It is therefore very important ——

Mr. WALLACE. — Sir, I rise to order.

[Loud cries of Oh, oh!" and, "Hear, hear!"]

Mr. HERRIES. — I am in order.

Mr. WALLACE. — I have risen to order, and the Right Honourable Gentleman is guilty of an irregularity in persisting to address the House.

[Cries of "Oh, oh!"]

Mr. HERRIES.—I am speaking to the question of order, and I believe that it is within the rules and orders of the House, that any Gentleman may ask leave of the House to address it, and it is within the power of the House, if it be their pleasure, to hear him. If it be not the pleasure of the House to hear me, I shall not persist in the observations which I was about to make; but, if it be their pleasure, I shall proceed.

[Cries of "Hear, hear, hear!"]

I was about to say, Sir, that it was on the behalf of those gentlemen to whom I have referred, and on whom a reflection has been cast by implication, that I ask permission of the House to offer a few words, and what I have to offer will be very short. What I have to say is simply this, — that with any of those persons, from Lord Lichfield and Colonel Maberly, — from the very highest down to the very lowest clerk or functionary, I have had or held no communication, direct or indirect, whatsoever.

[Cries of "Hear, hear!"]

I declare, on my honour, as a gentleman, that I have not received from any one of those persons any sort of communication or intimation, of what was going on in relation to these charges of the postage, or within the Post Office, whatever. This is my statement. This is the declaration which I had to make, and the object of my statement was, to discharge what I believe to be upright, honourable, and faithful public servants, from any possible stigma that might otherwise attach to them from the Honourable Member's motion; — and that they may not be exposed to any suspicion of want of probity in the discharge of their public duty, or of fidelity to their superiors, — a suspicion which must be injurious, not to them, only, but to the public service, as it could not but sow distrust between them and their superiors in office.

[Cries of "Hear, hear!"]

Mr. WALLACE. — I declare that I am exceedingly gratified by the statement which we have just heard from the Right Honourable Gentleman opposite.

[Laughter.]

At the same time, I am desirous to refer to what passed on a former evening. The Right Honourable Member is reported to have said, the other evening, and I believe he did say ——

The SPEAKER. — I feel it to be my duty to interfere on this occasion, because, I am sure that if the Honourable Gentleman goes on, he will transgress one of the rules of the House. I may venture to say, that, having received notice of the Honourable Gentleman's motion, when I saw the terms of it, I did intimate to him that it was irregular, and that he should withdraw it: that he could not prove what the motion proposed to do, without violating the rules of the House. I also feel, that if he now persevere in the observations he is making, it becomes my duty to tell him he will be acting out of order.

Mr. WALLACE. — Then I can only say, that, having heard the statement of the Right Honourable Member, I beg to assure him, and the House, that I give most entire credit to that statement, and that, not wishing to convey any impression whatever, that would be disagreeable o the Right Honourable Gentleman himself, or the officers of the Post Office, I beg to withdraw my notice altogether.

Motion, by leave, withdrawn.

ASYLUM SCHOOLS.

Mr. Langdale gave notice that he would, on Thursday, the 27th inst., move an *Address* to Her Majesty, praying that Her Majesty would be graciously pleased to direct the commissioners for the Asylum Schools at Chelsea, Southampton, and Greenwich, to make such modifications in the regulations therein, in force, as may secure to the children of Roman Catholics and of Protestant Dissenting soldiers and sailors, if duly qualified, the benefit of those establishments, without the sacrifice of their religion.

CHURCH OF SCOTLAND.

Mr. WALLACE. — I beg to ask the Lord Advocate whether (as has been stated in a petition presented this evening) he has received instructions from Her Majesty's Ministers to prepare a legislative enactment to put an end to the differences now prevailing between the Scoth Church and the civil power?

The LORD ADVOCATE. — I have merely to state that I am not aware on what authority that statement has been made; but, in point of fact, I have not received any such instructions. I have only to add, that the Government is perfectly aware of the existing difficulties, and that the subject is under their consideration; but I am not prepared to say when Parliament will be consulted on the subject, and still less what will be the nature of the measure which they may feel it their duty to propose.

THE RAJAH OF SATTARAH.

Mr. HUME. — I beg to ask whether the dethronement of the Rajah of Sattarah has actually taken place, or whether Her Majesty's Government have confirmed the proceedings which occurred, in this case, at Bombay? and, if so, whether there will be any objection to lay on the table such documents as may fully explain these proceedings?

SIR J. HOBHOUSE. — No decision has yet been come to with respect to the deposition of the Rajah of Sattarah. At the same time, I beg to observe that, though that decision might be confined to the Secret Committee, yet, in a matter of so much importance, I wish to have the assistance of the East India Company. When the proper time arrives, and a decision shall have been made, I shall not have the slightest objection to lay all the documents connected with the case on the table.

CHINA.

SIR J. GRAHAM. — I beg to give notice that, to-morrow, I will ask the Noble Lord the Secretary for Foreign Affairs when he will name a day on which the promised papers respecting the recent occurrences in China will be laid on the table?

PERSIA.

SIR J. GRAHAM.— I also give notice that I shall then ask the Noble Lord whether the Government is prepared to state what progress has been made in pursuance of the promise held out in Her Majesty's Speech of the restoration of our amicable relations with the Schah of Persia?

Mr. MACKINNON. — I beg to ask the Secretary of the Admiralty, having been requested to do so by several engineers, whether the Commissioners appointed to examine and report respecting harbours of refuge on the south-eastern parts of the island have yet made any Report; and also whether the Commissioners have taken into consideration the disadvantages of backwater, whereby those harbours will be rendered of no use?

Mr. M. O'FERRALL. — Hitherto, the Commissioners have made no Report. Their attention has been directed to the subject, but not to the particular point to which the Honourable Member refers; but as it is one of importance, I have no doubt it will receive their best attention.

H. M. S. VOLAGE AND THE CHINESE.

Mr. HUME. — I beg to ask the Secretary of the Admiralty whether any despatches have been received from Captain Smith, the commander of the Volage, with respect to the recent affray which is reported to have taken place near Macao?

Mr. M. O'FERRALL. — I am not prepared to say that any despatches have been received at the Admiralty.

BRITISH FORCE (SPAIN). — PENSIONS.

SIR R. PEEL. — I beg to give notice

that, to-morrow, I shall move for Returns of the pensions granted from the year 1834 up to the present time. I shall also move for a Return of the number of marines, ashore and afloat, on the coast of Spain, distinguishing upon what service they are employed. Also, a Return of the amount and description of stores advanced to Spain under the provisions of the Quadruple Treaty, and the money received from Spain on account thereof; and also for a Return of any arrangements made with Spain for the settlement of the claims of British subjects.

CORN LAWS.

Mr. WILLIAM DUNCOMBE.—Perhaps the Honourable Member for Wolverhampton will now inform the House when his motion about the corn laws is likely to come on?

Mr. VILLIERS.—I beg to say I shall bring on my motion respecting the corn laws on the first day at which I may find it possible to do so after the 20th of March.

TITHES COMMUTATION.

SIR E. KNATCHBULL.—I move to refer the Tithes Commutation Acts Amendment Bill to the following Members: — Mr. Fox Maule, Sir Edward Sugden, Mr. Hayter, Mr. Darby, Mr. Hodgson Hinde, Sir Robert Harry Inglis, Mr. Freshfield, Mr. Miles, Mr. Greene, Sir Charles Broke Vere, Colonel Wood (Middlesex), and Lord Viscount Mahon.

Mr. F. MAULE.—I should wish to add some names to that list of the Committee, and also to take this opportunity of correcting an error which I find I committed on Wednesday evening, in stating that all the Tithe Commissioners approved of the Bill. It was, I find, submitted to three, and only two out of them assented to it.

SIR EDWARD SUGDEN.—I will take the same opportunity to ask whether these several clauses of the Bill were submitted to the whole of the Tithe Commission, or whether they were inspected and sanctioned by two, only, out of the three Commissioners?

SIR EDWARD KNATCHBULL.—To two, only.

PRINTED PAPERS.

LORD JOHN RUSSELL.—I have now to present the petition of Messrs. Hansard, stating that another action has been commenced against them by John Joseph Stockdale, and praying the instructions of the House. I shall first move that it be read, and then proceed to move the Order of the Day on "Printed Papers," for the consideration of a former petition of the Messrs. Hansard.

The petition was then read by the clerk.

(It stated that a further proceeding, being a fifth action, had been brought against the petitioners in the Court of Queen's Bench by John Joseph Stockdale, for the publication of certain papers in obedience to the Orders of that House, and they prayed the direction of the House as to the course which they should pursue.)

SIR E. SUGDEN.—Perhaps the Noble Lord will allow me to ask whether it be true that Mr. Howard, the attorney of Stockdale, has brought an action against the son of the Sergeant-at-Arms?

LORD J. RUSSELL.—I have received no official information on the subject. If so, I presume that it will have been stated in a petition to the House.

The Order of the Day was then read, for consideration of the petition of Messrs. Hansard (presented 13th February).

Entry in Journal of 18th March, 1836, read, as follows:—

Mr. Fox Maule presented, pursuant to the directions of an Act of Parliament, Report of the inspectors appointed to visit the different prisons of Great Britain.

Ordered, That the said paper be referred to the Select Committee on Prisons.

Entry in Journal of 22d March, 1836, read, as follows:—

The order made upon the 18th day of this instant March, for referring to the Select Committee on Prisons the Reports of the Inspectors of Prisons, was read, and discharged.

Ordered, That the said papers do lie upon the table, and be printed.

LORD J. RUSSELL.—The motion which I am about to make to the House is a consequence of the resolutions to which the House came two days ago respecting the present action. It has been determined that Messrs. Hansard should be directed not to appear or plead to that action, and therefore it is now incumbent on the House to declare what course they will pursue in vindication of that privilege of publication which they have frequently asserted. It will be unnecessary for me to enter into the question of the possession of the privilege of publication by this House, or into the question of appearing in a court of law. The only question to be considered now is, what course the House will take to vindicate the privileges they have so often asserted, and in order to prevent the consequences of that action being—that Stockdale should receive from Messrs. Hansard any sum of money as damages for any publication made under the authority of this House? It appears to me that the most proper course which we can take at present is, to resolve that the action is a contempt of the House, and a breach of the privileges of the House, and that any person who shall act in pursuance of the said action will incur the displeasure of the House. I propose to move a resolution to that effect, having especial reference to the officers who may be engaged in carrying on the action; and also that information of the same be conveyed to the proper quarter. In the first case which the House had to deal with, the information given to the sheriffs did not come directly from the House.

[Laughter, and cries of "Hear, hear!"]

A communication was made by a servant of the House to the sheriffs; but it did not come directly from the House in that particular action. In the present case we have had an opportunity of giving this more formal notice to the sheriffs. I think, therefore, that the proper course would be, to give the sheriff the advantage of that information, which shall merely point out the consequence of any measures he may take in violation of our privileges. It appears to me, that if we are determined to maintain the privilege of publication, and if we are also determined, with respect to this action, that we will not plead before the judges on the question of our privilege, it is quite necessary that we should interfere in the way I propose, in order to prevent any mistake or ignorance as to the consequences of enforcing the action which has now been brought. I will therefore move, "That John Joseph Stockdale, by commencing and prosecuting the action now depending at his suit against James Hansard, Luke Graves Hansard, and Luke James Hansard, and in which a notice has been given of executing a writ of inquiry on the 20th day of this instant February, such action being brought for acts done by the defendants as the officers and servants of this House, and under and pursuant to the authority of the orders and resolutions of this House, made in exercise of the privileges of Parliament, has been guilty of a contempt of this House, and a violation of the privileges thereof; and that all sheriffs, under-sheriffs, agents, bailiffs, officers, clerks, and others, who shall act, aid, or assist in the continuing, furthering, and prosecuting the said action, will also be guilty of a contempt and violation of the privileges of this House, and subject themselves to the severe censure and displeasure of this House." Supposing this resolution to be carried, I will then move, "That a copy of this resolution be served by the Sergeant-at-Arms upon the sheriff of the county of Middlesex, and the under-sheriffs thereof, and at the office of the said sheriff."

SIR E. SUGDEN.—I shall be quite as brief as the Noble Lord has been upon this subject, considering the many discussions it has already undergone. I wish only for a moment to draw the attention of the House to the consequences that may arise from this further step which we are now about to take at the suggestion of the Noble Lord. The resolution now proposed would, if carried, include judges and counsel. It includes and names "all sheriffs, under-sheriffs, agents, bailiffs, officers, clerks, and others." Amongst those comprised in the resolutions, must be included the judges, for the under-sheriff sits as a judge. Therefore the resolution goes to affect the under-sheriff and the counsel who may plead before him. It appears to me, that the House has already had difficulties enough to contend with. We have abstained, hitherto, from meddling with the judges and counsel who have been concerned in all the measures that have been taken in connection with this business up to the present time. The House has not, as yet, had the courage to bring any member of the bar before it, because they knew that it would be utterly impossible to do that without grappling with the Lord Chief Justice of the Court of Queen's Bench. You have not called to your bar the counsel who pleaded in the former actions. But if you pass this resolution, you will be bound, by it, to punish the under-sheriff who may sit as judge, and direct the jury; and you will be bound, also, to punish the counsel who plead before him. I had hoped that the majority of the House were, at length, prepared to take a different course from that which they have been hitherto pursuing. Though the decisions that have been come to, hitherto, have been the decisions of the majority, it by no means follows that they are, on that account, correct. Those decisions, no doubt, may be called the voice of a majority; but the voice of a majority is not always the voice of reason. There has, I admit, been a triumphant majority in support of that view of this question in which I do not concur; but that majority has assumed a tone of feeling very different from that displayed by the minority. That minority was respectable in numbers, and certainly they were so in point of talent and competency to deal with this question, and they maintained their opinion with moderation as well as firmness. But, notwithstanding this, I have to complain that, upon this occasion, all the courtesies of the House have been forgotten. I ask the Noble Lord whether he can defend the course he took on Friday night? The Noble Lord, on that occasion, refused to state his intentions, though repeatedly requested to do so. He refused to do so, not because he was unprepared, but because some person at this side of the House might cavil at the course he intended to pursue. I must say, that the minority have acted with great forbearance, and with a great desire to conciliate the majority; and the time will come when that majority will admit that those who sustained the opinions of the minority were not so wrong as they now think them to be. One thing, however, is certain; — it has been the anxious wish of many Honourable Gentlemen in the minority to conduct their opposition without any ill feeling whatever. I now call upon the House to pause before they take this further step, the effect of which must be, to involve them in still greater difficulties, by bringing them into collision with the bench and the bar. I say, then, that this contest must end in the utter defeat of the House, unless they address themselves to some other power beyond that on which they are now relying. I therefore enter my protest against this resolution, and shall certainly divide the House upon it, notwithstanding all the Noble Lord has said in its favour.

SIR CHARLES GREY. — I have witnessed, from the first, with great anxiety, the conduct pursued by the members of the legal profession at the other side of the House. They have acknowledged that the House possesses the privilege of publishing their proceedings, but they have thwarted the only method by which that privilege could be vindicated. I confess that my anxiety was deepened into pain when I saw the Honourable Member for Exeter, and the Right Honourable Member for Ripon, who were members of the Committee from which these resolutions proceeded ——

SIR E. SUGDEN.—I beg the Right Honourable Member's pardon; I was not a member of that Committee.

SIR CHARLES GREY.—The papers, within the last two days, have stated, that the Honourable Gentleman had asked leave to be removed from the Committee.

SIR E. SUGDEN. — The Honourable Gentleman is confounding two Committees.

SIR CHARLES GREY.—The mistake is of no importance. The Right Honourable and Learned Member for Ripon, then, without being a member of that Committee, — he who stands so high in his profession, and who has filled offices of great importance, and whose opinion is justly so much esteemed, — he was acquainted with the resolutions which emanated from that Committee, and was in Parliament when they were adopted by the House; yet he now opposes all the measures that were founded on the proceedings of that Committee for the vindication of those privileges which the resolutions went to uphold. I think that the course which the Right Honourable Gentleman has taken is calculated to involve the House in increased difficulty, and to aggravate a mischief which, at the same time, I am willing to give him credit for wishing to avert. The Right Honourable and Learned Member for Ripon has asked the House, whether or not it was prepared to listen to the voice of reason. Now, was not that as much as to say that the House would not listen to the voice of reason unless it adopted the course marked out by the Right Honourable Gentleman? The Honourable and Learned Member for Exeter has admitted that the House possesses the privilege of publishing its proceedings to the people of England; and this is nothing more nor less than saying that we possess the privilege of publishing our proceedings to all the world. Therefore, with the highest legal authority on the other side in favour of the privilege of publication, I would ask the Honourable and Learned Gentleman how he can reconcile it with his own admission of this privilege, to permit actions of this kind to be continually brought against the servants of the House? If the Honourable and Learned Member thinks that our privilege should be maintained, and that there is a possibility of the decisions of the courts being against us, I ask him what course he, as a lawyer, would recommend, for the purpose of putting a stop to those actions? The Honourable and Learned Member for Exeter has said that we should not have prevented the other actions from being carried to the higher tribunals, and that Mr. Hansard should have been allowed to appeal to the judges in the Exchequer Chamber, from the decision of the Court of Queen's Bench, and afterwards, if necessary, as an ultimate appeal, to the House of Lords.

For my own part, I do not hesitate to say, that this might have been the advisable course to pursue, provided that it could have been accompanied with such a reservation as would have afforded the House an ample protection of their undoubted privilege, and that the House should not be excluded, by any adverse decision of the Exchequer Chamber or the House of Lords, from any ulterior steps which it might deem it expedient to adopt. I think that it might have been the better course to have gone on with the proceedings, and to have taken our chance — if I may make use of such an expression in reference to such a subject — of having the whole body of the judges in our favour, and of thus overruling the decision of the Court of Queen's Bench. If, as has been admitted on all hands, we possess this privilege, it would be a gross dereliction of our duty, as the trustees and representatives of the Commons of England, to abandon that privilege, or to fail to take those steps which may be most likely to secure its maintenance. I would put this question to the members of the legal profession in this House who have acknowledged that we possess the privilege of publication, but who would have the House stop short in its present proceedings, and allow an appearance to be entered to those actions; — "what would you do if the decision of both the Exchequer Chamber and the House of Lords should be against you? Do you know whether the Members of the other House would support this House in the vindication of this privilege; and would they then lend their aid in resisting the decision of the lower courts?" If the House could not be sure of this, is it possible, or would it be prudent, to do less than to adhere to the steps that the House has already taken, if it do not intend to abandon its privileges, and suffer the decision of the tribunals to govern its proceedings? I cannot help feeling that those Honourable and Learned Members who act in this way do not acknowledge that the proceeding against the servants of the House was similar to a proceeding against the House itself; for I think that if, before any tribunal, an attempt were made to attack the House in its — I will not say corporate, for it has none, but in its — collective capacity, they would at once repudiate it. For my own part, I cannot see any distinction between acting against this House in the aggregate, and proceeding against its servant for acts ordered to be done by the House. I beseech the Honourable and Learned Gentlemen opposite, before they proceed further in their opposition to the vindication of the privileges of the House, to consider how much they lower the dignity and authority of this House, throw our proceedings into doubt, and add to the mischief that already exists. There is no difference, in my opinion, between an action in the courts of Westminster against an authorised resolution of the House, and one against the proceedings of the House itself.

The House then divided; when there appeared — For the resolution 146, Against it 75; Majority 71.

AYES.

Aglionby, Major
Baines, E.
Baring, Rt. Hn. F. T.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blackburne, I.
Blake, M. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Curry, Mr. Serjeant
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dundas, F.
Dundas, Sir R.
Eliot, Hon. J. E.
Ellis, J.
Evans, Sir De L.
Ewart, W.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fremantle, Sir T.
Gaskell, J. M.
Goddard, A.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Harcourt, G. G.
Hardinge, Rt. Hon. Sir H.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, Hon. C.
Hoskins, K.
Houldsworth, T.
Howard, P. H.
Howick, Lord Visct.

Hume, J.
Humphery, J.
Hutton, R.
Irving, J.
James, W.
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, Right Hon. T. B.
Macleod, R.
Miles, W.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Nagle, Sir R.
Noel, Hon. C. G.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, F.
Parker, J. (Sheff.)
Pattison, J.
Peel, R. Hon. Sir R.
Pendarves, E. W. W.
Philipps, Sir R.
Pigot, D. R.
Pinney, W.
Ponsonby, Hon. J.
Protheroe, E.
Pryme, G.
Rae, Rt. Hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Roche, W.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Smith, B.
Stanley, Lord
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, Rt. Hon. Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, Hon. H. R.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wood, B.
Wynn, Rt. Hon. C. W.
Wyse, T.
Yates, J. A.
Young, J. (Cavan)

Tellers.

Stanley, Hon. E. J.
Steuart, R.

NOES.

A'Court, Captain
Attwood, M.
Bagge, W.
Baring, H. B.
Barrington, Lord Vt.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Cole, Lord Viscount
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Dowdeswell, W.
Duncombe, T.
Duncombe, Hon. W.
Duncombe, Hon. A.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Filmer, Sir E.
Follett, Sir W.
Forester, Hon. G.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Herries, Rt. Hn. J. C.
Hodgson, F.
Hogg, J. W.
Holmes, Hon. W. A'Court
Hope, H. T.
Hope, G. W.
Hotham, Lord
Ingestre, Lord Visct.
Ingham, R.
Jackson, Mr. Serjeant
James, Sir W. C.
Jones, J.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Litton, E.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mahon, Lord Viscount
Neeld, Joseph
Neeld, John
Packe, C. W.
Perceval, Hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, L.
Rushbrooke, Colonel
Rushout, G.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Thompson, Alderman
Wodehouse, E.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.

Tellers.

Godson, R.
Law, Hon. C. E.

The resolution was then agreed to.

LORD J. RUSSELL.—I now move that copies of the former resolution be communicated by the Sergeant-at-Arms to the sheriffs and under-sheriffs of Middlesex, the clerks, officers, bailiffs, and other parties taking part in the proceedings.

SIR E. SUGDEN.—I wish to ask the Noble Lord whether it is intended, under the term "other parties" in the resolution, to include the juries?

LORD J. RUSSELL.—It is not so intended.

LORD VISCOUNT HOWICK.—I wish to remark, that although I entirely approve of the course hitherto pursued, I think that the House should not stop here. Mr. Stockdale and his attorney, Mr. Howard, have been committed for an aggravated breach of the privileges of this House; and, after continued caution, persist in acting in contempt of our privileges. I think that these parties ought not to be allowed to go on with their repetitions of the breaches of privilege they have already committed, without visiting them with extraordinary punishment, and with more severity than has hitherto been done, both as regards the conduct of Stockdale and Howard. The House has already committed them for instituting an action against one of its servants for acts done by its orders; and as they seem determined to persevere in their actions, in contempt of our undoubted privileges, they should be punished with increased severity, in order to show that this House is not to be trifled with, and that it will not suffer parties to persist in pursuing a course almost calculated to bring its authority into contempt.

SIR E. KNATCHBULL.—I wish to know what the Noble Lord means by extraordinary punishment?

An HONOURABLE MEMBER on the Opposition benches. — Oh, to hang them, I suppose.

[Laughter.]

LORD VISCOUNT HOWICK. — I think that they ought to be placed in more strict custody, and not be allowed to communicate with each other, or receive visits from their friends, and that no person should be allowed access to them without an order from the Speaker. In this manner, they might be prevented from committing further breaches of the privileges of the House.

Mr. LAW. — I thought, from what has fallen from the Noble Lord, that he was going to revive, in this case, the punishment *peine forte et dure*. These individuals have passed from our hands; — they are no longer in the custody of the Sergeant-at-Arms; they are already in the custody of the keeper of Newgate, and subjected to most of the rules and restrictions of that prison; but the Noble Lord, whose appetite is great and his stomach unbounded in its desire for punishment, would have them subjected to still greater severity! But, let me ask, does it become this House to act with the angry and vindictive feelings of an individual? I am sure that, in doing so, it would depart from that calm and dignified conduct which it ought to preserve in the eyes of the country. I do hope that, whether or not the Noble Lord may succeed in the severity extended towards the moiety of the Sheriff of Middlesex, the House will deal more leniently and calmly, and less under the influence of stormy passion, than the feelings of some would urge it to do. Would it, I ask, be consistent with the dignity, the calmness, of a deliberative body, that those whom we have committed should be treated with the strict severity of a criminal prison, and be denied that access which is not refused even to felons? If the House stamps proceedings like these with its sanction, it will show to the country that it is not acting with calmness, but is influenced by feelings of vengeance. It will convince the public that our proceedings were not instituted for the protection of the ends of justice, or for the vindication of the privileges of this House, but for the purpose of exercising a tyrannical power. If we wish to produce this impression, we cannot pursue a better course than that recommended by the Noble Lord.

Mr. O'CONNELL. — As far as I understood the Noble Lord, he did not propose to inflict any such harsh punishment on these persons as has been supposed by the Honourable and Learned Member — who is, himself, such an example of calmness, — but that such access should not be afforded to them as would tend to facilitate the bringing such actions as the present. I will not, however, say whether the suggestion of the Noble Lord should be adopted, or not; but I feel satisfied that the privileges of this House could be effectually vindicated by proceeding with that calmness and discretion which are necessary. Is the House aware that this is the fifth action which has been brought by Mr. Stockdale against the servant of this House? And is it not the duty of the House to interfere, and to take care that these parties shall not be allowed to proceed with actions involving continued breaches of the privileges of this House? I think that the House could restrain the attorney from acting for Stockdale, and prevent other persons from carrying on actions in Mr. Howard's name. At present, that person can employ his clerks and apprentices to act for him in these actions; and if we establish the principle that Howard shall not act himself in these actions, by imprisoning him for so doing, we should follow this up, and not allow any person to go on with them in his name. The name of the person who seems, at present, principally employed in these actions is Pearce, who, I understand, is clerk to Mr. Howard, and a stop should be put to his proceedings. I regretted the necessity of acting against those who were obviously actuated by a mistaken sense of public duty; but, with respect to this Stockdale and his attorney, I entertain no such feeling, and, above all, in regard to the latter, who had no public duty to perform, and without whose aid the privileges of this House would not be violated in this way. I rose to observe, with respect to the suggestion of the Noble Lord, that it is obvious that he did not wish that we should proceed vindictively against those persons, but that we should adopt such restrictions as would render it more difficult for those parties to continue to violate the privileges of the House.

SIR E. SUGDEN. — I asked the Noble Lord whether he intended to include the jurors within the words "other parties," and I understood the Noble Lord to answer in the negative; but the expression is so vague and general, that it might be made to include the jury as well as any other persons. I thought that the Noble Lord, from what has taken place to-night, would see the inconvenience that resulted from his refusing to communicate to the opposite side the slightest information as to the course that he intended to pursue. I repeat that such comprehensive terms as "other parties" might be taken to include the jury that would be called upon to assess the damages in this case, for no Member of this side of the House has had the means of informing his judgment on the subject until within the last few minutes, as the Noble Lord, on Friday, refused to communicate the course he intended to take. Under these circumstances, I shall feel it to be my duty to oppose this resolution, the terms of which, I maintain, cannot be understood. I beg to congratulate the Noble Lord the Member for Northumberland on his suggestion, and I should be glad to hear from him how, if it were adopted, he intends that it should be followed up. I can tell the Noble Lord opposite, and Honourable Gentlemen, that the more they persist in their present proceedings, and the more rapidly they follow out the course which they have recently pursued, the sooner they will perceive the almost innumerable inconveniences which must infallibly follow from their proceedings. The Learned Member for Dublin has also recommended that we should pursue a course which would tend to restrain parties from bringing these actions. When I heard such recommendations, I could hardly imagine what proceedings it was intended to recommend to the House to adopt. There have been instances of the tyrannical exercise of power by Parliament before now; and it is a matter of history that in the reign of Charles I. a House of Commons was found, which ordered the torture to be administered in support of its privileges. The Noble Lord may say that he did not intend to recommend the infliction of torture; but he recommended solitary imprisonment, which is rather unusual: and when once we engage in a contest of this kind, we may be driven further than we at first intended; and I have alluded to the conduct of former Parliaments to show that even the infliction of torture is not without a precedent. I would beg the House to consider what they will be led to by pursuing the course they have embarked in, and neglecting to listen to the voice of reason. The Noble Lord will not believe that the great body of the people are against him in his proceedings in this matter; but, with the exception of the miserable petition from the corporation of Leicester, which was regarded as a godsend by Gentlemen opposite, and which was so loudly cheered by them, there has not been the slightest indication of public opinion in favour of the proceedings that have been adopted on this occasion by the other side of the House.

Mr. INGHAM. — It appears to me that the House should act with extreme caution in the proceedings which they adopt, lest they should find themselves involved in a contest with the legal authorities of the land before they are aware of it. With respect to the suggestion of the Noble Lord for placing these persons in solitary confinement, or for increasing the severity of their imprisonment, I would beg to remind him that the regulations of gaols are framed in conformity with an Act of Parliament, and, therefore, they are not directly under the control of the House, and cannot be altered by it. When a party, therefore, is sent to a prison, under a warrant of the House, he is not dealt with according to the good pleasure and wishes of those who sent him there, but according to the rules for the government of gaols laid down by the law of the land. This power is to be exercised by the visiting justices appointed under the Act for the regulation of prisons.

LORD J. RUSSELL. — The Right Honourable Member for Ripon has censured me, and the majority of the House, for not listening to the voice of reason. I certainly plead guilty to the charge, if the voice of reason is to be equivalent to the advice of the Right Honourable Gentleman. I do not for a moment doubt the sincerity of the Right Honourable Gentleman; but he must excuse me for not attaching the same authority as the Right Honourable Gentleman does to his own opinion on this subject. When I found so many high legal and high political authorities adopt an opinion directly opposed to that of the Right Honourable Gentlemen, and concur in the view that I took of this subject, I am induced to think that I have listened to the voice of reason, and that both the reason and authority in the opposite opinion outweigh even the authority of the Right Honourable Gentleman. As for the want of courtesy with which I have been charged, I cannot help observing, that when I recollect the attacks made on the majority, and when I also recollect that Gentlemen opposite are greatly disposed to impute tyrannical motives to those who wish to preserve the privileges of the House, the charge came with a bad grace from Gentlemen opposite. As for the observation which fell from my Noble Friend, I cannot help saying, that a not very fair construction has been put upon it, and that an attempt has been made to attach a meaning to my Noble Friend's words which they will not bear. I am of opinion that the proposal of the Honourable and Learned Member for Dublin, that to determine that the servants or clerks of Mr. Howard, or any person employed by him to contravene the orders of the House, should be rendered liable to the displeasure of the House, would be a better mode of proceeding than that of increasing the severity of the custody of the persons already imprisoned. As so much has been said on this occasion, I think it necessary to recall to the House what is the main object of the present proceedings. The main object is to maintain the power of publication for useful purposes. The object we have in view, and which has been contested, is that of ordering information which is useful for Parliament and for the public to be published; not for any private purpose — not to serve any private malignity — not to gratify any bookseller or individual with gain, but to make public, information which is necessary for the public — which is required to improve legislation — which is required to improve government. This is contested; but I have an authority to quote — the authority of a person who has been often quoted against me, and which authority I find set forth in a newspaper of this morning. In summing up in the case of "Beresford *v.* Easthope and Black," Lord Denman has delivered an opinion which is well worth the attention of the House. The Noble and Learned Lord has said, —

> Then the only question remaining was that of damages. On that subject there was no question made at the bar, and there could not now be a doubt in any place whatever, that it was desirable that free discussion should be encouraged, and that facts, in which all were interested, should be fully made known to the world; but, at the same time, no party must attack the character of another by reports which could not be substantially proved to be true, unless such reports appeared under particular circumstances. For instance: the publication of the proceedings of this day would probably be held in all the courts to be protected, if the report were fairly given as a report of a judicial proceeding, with which it was of importance that all men should be acquainted. But nobody must insert statements of his own in newspapers, without being prepared to establish their truth.

Now, this is what I and the majority of this House contend for, and this opinion which I have read, according to the newspapers, was pronounced by Lord Denman in the course of a case which was tried no longer ago than Saturday last. What the majority complained of in the course of these proceedings was, that the court of law took it for granted — as the majority thought, most unfoundedly — that the House of Commons was engaged in publishing a series of libels for the sake of libelling, — the House of Commons having, all the time, no interest but to make public that which it is for the public interest to know; having no private enmity against any individual — having no wish to make gain or profit by the sale of the publication; and under these circumstances it was that the majority of this House held that a court of law was not entitled to look upon such publications as other than privileged publications. Suppose the House of Commons were to assert that a judge had no right, in a court of law, to make any statement reflecting on the character of an individual; that it was not to be permitted that in a public court, full of spectators, anything which could be deemed a slander should issue from a judge on the bench. Such an assertion as this would be equally unfair and absurd. It is well known that the judges, after hearing what has been adduced before them, repeatedly, in their charges, have made statements reflecting on the character of individuals; but this was done in the course of their judicial duty, and from no private desire to injure the individuals, or to indulge private malignity. If, then, the judges are admitted, by the House of Commons, to be right in what they did in this matter, some respect ought to be paid by the judges to that high court, which is constituted by the united Commons of the empire: and they ought not to have taken it for granted — they ought not wantonly to have believed, that it could be the object of the House of Commons to publish private libels upon any individual. I say this because the Right Honourable Gentleman opposite has again raised so much of the question, and it does appear that what Lord Denman said on Saturday was very applicable to the case.

But there was another remark of the Right Honourable Gentleman opposite, followed by the Right Honourable Gentleman near him, which calls for observation. They have talked of the enormities which they said had been committed in former times, — the lengths to which former Parliaments have gone, — the tyrannies which have been exercised against the subject by former Parliaments. I can not hear such language made use of, with regard to our ancestors, and our predecessors in this House, without declaring my opinion in favour of those Members generally, as to the course which they pursued on the occasions referred to; for the contest which they sustained was, in reality, whether liberty of speech should be permitted, or not. The utmost extremities had been put in force against them. Members of the House were committed to prison by James I. His successor came down to the House in person, for the purpose of putting down freedom of speech; and in the days of Charles II., the attempt was renewed, on the part of the Crown, to put down liberty of speech and liberty of action in the Members of this House: that was an attempt to establish despotism in this country; and I do not hesitate to say, Speaker Williams, and those men who acted with him in this House against such attempts, have deserved well of posterity, for the noble stand they made. They may, in certain and particular instances, have gone to an extreme point in executing their authority against individuals; but the contest they maintained was a contest of liberty against slavery; and I will never admit that the conduct of those men deserves to be stigmatised by Members of this House, as though the House were ashamed of the men who have established for the House the privilegs of speaking its mind. I have thought it necessary to say thus much, because, though living in different times from the period in which those men lived,—though I do not apprehend any such danger from the Crown now, as that threatened by the monarchs I have mentioned, yet I feel that, if attempts are made in this House to depreciate the authority of the House, — if Members are allowed, without check, to cast a slur upon those men who so gallantly contended for the liberties of the House, in former times, and to hold cheap the authority of the House, in times present, though it is impossible to say what authority might not be set up in its place — (it is a question whether it might not be replaced by some supreme and arbitrary tribunal, or some oligarchy, odious and oppressive to the people; but) — this is certain: that such a course would, in the end, destroy all the value and dignity of the House of Commons, and, with these, the best security for the liberties of the people.

LORD ELIOT. — I should be the last man in this House to call in question the great national services performed by the House of Commons, at the periods to which the Noble Lord who last spoke has referred. I reverence the memory of those men, one of whom was an ancestor of my own, who were concerned in those proceedings; and I trust that I estimate them too justly not to acknowledge the benefits which they have conferred upon the cause of public liberty. But it should be recollected that in those times the judges were the mere creatures of the Crown, dependent upon the will of the Sovereign, and subservient to his purposes, and not, as now, men who held their situations independently. There does not appear to be, at present, the least disposition to invade the privileges of the House for any such purposes as formerly influenced our opponents. I think that, in the present times, there may justly be apprehended to arise more danger from the usurpations of majorities of this House, than from anything which could possibly proceed from the judges.

Mr. M. ATTWOOD. — I understood the Noble Lord to say that his resolution was not intended to include juries. I think the House ought distinctly to be made acquainted with the intentions with which this resolution has been brought forward. I fully believe that the proceedings we are called on to adopt will prove ineffectual, and will only involve the House in increased difficulty.

Mr. O'CONNELL. — It will be necessary to ascertain the service of the notice.

LORD JOHN RUSSELL. — In order to carry out the suggestion of the Honourable and Learned Member for Dublin, it will be necessary first to examine Mr. Luke James Hansard, the party on whom the writ in the new action has been served by Howard's clerk. I therefore move "that Mr. Luke James Hansard be now called to the bar."

That gentleman then appeared at the bar, and was examined, as follows: —

The ATTORNEY GENERAL.—Have you been served with the notice of the writ of inquiry in the fourth action? — I have.

When? — On Wednesday, the 12th of this month.

By whom? — By a person whose name I have understood is Pearce, and who is stated to be a clerk of Mr. Howard.

Did you ask him any question? — After the document was served, I asked him if this was in continuation of the former action, and he replied that it was.

Have you been served with a writ in the fifth action? and when, and where, and by whom? — I have been served with a writ in the fifth action. It was served on me in our counting-house, in the course of last week, by, I believe, the son of Mr. Howard. It was the same person who served me with the writ in the fourth action. He said he was the son of Mr. Howard.

Mr. LAW. — Do you continue to sell the publication which has been complained of as libellous? — I have some copies of it, but it is considered to be out of print.

Is it, in point of fact, out of print, or what do you wish the House to understand by saying that it is out of print? Have you been advised by any one to discontinue the sale? — I have not been so advised. We have no copies now for sale — none besides the reserved copies.

Is it always the practice to keep any number of reserved copies? — It is the invariable practice. I had no other reason for discontinuing the sale than the necessity of keeping reserved copies.

Mr. HUME. — Is it not always the practice, when the number of copies on hand are reduced to fifty, to stop the sale, and reserve those to be issued only to special orders? — This is the practice, and it was in conformity with that, that I stated that the Report was now considered to be out of print.

Mr. LAW. — Have you had any communication with Mr. Joseph Parkes, on the propriety of putting a stop to the sale of those copies? — I have not.

SIR E. SUGDEN. — Can you tell the exact day on which the last copy was sold? — I cannot, without having reference to our books.

Mr. LAW. — Have any instructions been given to your partners to stop the sale of those copies? — I believe that no such instructions have been given.

The witness was then ordered to withdraw.

The ATTORNEY GENERAL. — I now move that Mr. Howard, junior, and Mr. Pearce, clerk to Mr. Howard, senior, be called to the bar of this House.

Mr. LAW. — I hope my Honourable and Learned Friend the Attorney General will not press his motion. I can assure him, that if he perseveres, he will have a great deal of trouble on account of the number of committals that must necessarily take place; and I think that a sufficient number of persons are already in prison for the same offence. I therefore hope that this motion will not be persevered with.

The ATTORNEY GENERAL. — I certainly shall press this motion, for I think, unless we do so, our proceedings may be set at nought. If we are not to commit the clerks who act in furthering these proceedings, I do not see what use it is to keep the employers themselves in custody. We have no spite to Mr. Howard; we merely want to prevent fresh actions from being brought. How are we to repress these proceedings if Mr. Howard's clerks are to be permitted, with impunity, to carry out Mr. Howard's object, in utter defiance of the House? I am aware that a great many persons have professed a readiness to become heroes and martyrs, after the example of Mr. Howard; but I think that if the House proceed with rigour, it will have much more success than the Honourable and Learned Gentleman seems to anticipate.

Mr. SHAW. — Now, I would ask the Honourable and Learned Gentleman, does he believe that, even if he incarcerate Mr. Howard's whole establishment, the proceeding will be effectual? There will be hundreds of other attorneys ready to do their duty, if called on by clients to do it.

The ATTORNEY GENERAL. — In answer to the Right Honourable Gentleman, I will put another question. Does he believe that the House has any privileges? or that it has power to maintain those privileges?

Mr. SHAW. — I admit that the House has privileges, and ought to maintain them; but the way to maintain them effectually is, not to exceed their proper limits. It would be much better for the House to plead to the proper tribunal, — to appeal, if necessary, to the House of Lords; and then if an Act, declaratory or enactive, were required, there would be no difficulty in passing it.

SIR E. SUGDEN. — I would suggest to my Honourable Friend not to divide the House on his amendment. I think that the discussion on this motion should be postponed.

Mr. LAW. — Sir, I am willing to accede to this suggestion of my Right Honourable Friend; but I am afraid that if we let the man be caught, he will have little chance of getting off through any motion I may make.

LORD VISCOUNT HOWICK.—Sir, I quite approve of the motion proposed by my Honourable and Learned Friend. I cannot refrain from observing that the suggestion which I myself threw out has been commented upon by Honourable Gentlemen opposite with what appears to me, to use the mildest term, extreme severity. But that opinion, notwithstanding all that has been said, I am by no means inclined to retract or modify. I still conceive that, to vindicate the outraged privileges of the House, it will be necessary to increase the severity of the imprisonment of the parties now in custody in Newgate. Let us remember what are the facts of the case. After a full notice from this House, that in persevering they would be guilty of a contempt of our privileges, Messrs. Stockdale and Howard brought forward another action, and were, consequently, committed to Newgate. And now, at the very moment when receiving their punishment, they prepare to aggravate the contempt, and defy the House by commencing a fifth action. Now, Sir, I say that, if we are to punish a party at all for the purpose of vindicating our privileges, — if we are to trust to those powers which the House of Commons exercised in former days, — we should make our punishment effectual when we see the contempt aggravated and repeated. This House, in former times, has acted with all due severity towards those who defied it; and had it not been for the boldness and decision which the representatives of the people in those times displayed on such occasions, the House of Commons of the present day would have no privileges at all. It is perfectly obvious, that the only object which actuates these individuals in their proceedings against the House of Commons, is pecuniary gain. Their case presents none of those extenuating circumstances which that of the sheriffs may be said to exhibit. I can perfectly understand the reluctance of Honourable Members to proceed harshly against the sheriffs, who, perhaps, acted from a mistaken sense of duty; but with respect to Messrs. Stockdale and Howard, I think that the whole conduct of these individuals has been full of circumstances of aggravation, and it has become a matter of strict and necessary justice to increase the severity of their custody. It should be remembered, that though this severity may be increased, it does not follow that it is to be of long continuance. It will be for the offenders to display a due submission to the authority they have hitherto defied, and the House will then, doubtless, show to the country that its object has not been, as Honourable Gentlemen opposite assert—revenge, and the indulgence of a vindictive malignity, — but justice, and the due assertion of our indispensable privileges. Now, the Honourable and Learned Member for the University of Dublin has asked how we could aggravate Mr. Howard's punishment? I will tell him, that I believe it perfectly competent to this House to order them into the strictest confinement which prison discipline would allow. As to the Prisons Act, which has been referred to, I do not see that that Act has anything to do with the prisoners, or they with it. They do not come under that Act at all. As the case stands, they are not subjected to the discipline which ordinary prisoners come under. The custody to which they have been given over is quite of a different kind. There is, doubtless, something in what has been thrown out by the Honourable Gentleman opposite, touching the inconvenience of multiplying the commitments of inferior and subordinate agents; but I believe that increasing the severity of the custody in which Messrs. Stockdale and Howard now are, and debarring them from all access to each other, or to other persons, would greatly promote the object which the House has in view. As to the suggestion that the House can be actuated by any personal feeling towards persons of this description, — such an idea is quite out of the question: they are persons quite beneath any such feeling on the part of the House of Commons.

[Cries of "Oh, oh!"]

COLONEL SIBTHORP. — I could wish that the Noble Lord, who recommends increased severity, knew the feeling of the country on the subject. I have been down in the country, and have given the toast, "The Sheriffs, with three times three!" with immense applause, at a large public dinner. For my own part, I hail this tyranny on the part of the Liberal Gentlemen opposite with very great satisfaction; inasmuch as, from the universal feeling of disgust it is creating throughout the country, it will be sure to prove the downfall of the present wretched Administration.

Mr. GODSON. — I wish to observe, that while the sheriffs are in custody, they have no opportunity of carrying out the wishes of the House. It would be but fair to give them an opportunity at least of doing so, by suffering them to go free.

Question put, and agreed to.

Ordered, That —— Howard and —— Pearce, clerks of Mr. Thomas Burton Howard, do attend this House to-morrow.

SUPPLY.— WAYS AND MEANS.

Committees deferred till Wednesday.

PAPERS, &c.

Postage (Parliamentary Proceedings), — Paper (presented 14th February).—To be printed.

Mates. — Return (presented 14th February).—To be printed.

FIRST FRUITS AND TENTHS.

Mr. BAINES. — Sir, I wish to bring under the consideration of the House a subject involving the interests and the public estimation of one of the most numerous and important orders of men in the state. And, as the object that I seek to attain is a great practical reform, by the removal of a grievance which has existed in one of our principal public institutions ever since the Reformation, I venture to claim from the House its patient attention; — that object is, a competent maintenance for the poor clergy, to be effected by a more equitable distribution of the revenues of the richest ecclesiastical establishment in the world, and of which, they are the most efficient ministers. On several former occasions I have urged the claims of the poor clergy in this House, and asked for them that support which it was intended to afford them by Queen Anne's Bounty; but of which, as I conceive, they have been hitherto unjustly deprived. When I had last the honour to make this motion, which is for a Committee of the whole House, to take into consideration the propriety of abolishing the first fruits of the clergy, and making the real tenths conducive to the more efficient augmentation of the maintenance of the poor clergy, I was so fortunate as to carry my motion by a majority of two to one; and I hope that the arguments I have now to adduce will secure to the cause I advocate equal and ultimate success. I then entered at some length into the historical details of the first fruits and tenths; but it will be sufficient, now, to say, as the subject is better understood, that these are ancient imposts paid by the clergy — as ancient, I believe, as the formation of parishes in England — and the payments have, from the Conquest to the Reformation, been generally upon the real and true amount of the sees and benefices. At the Reformation, Henry VIII., having determined that the first fruits and tenths should be paid into the public Exchequer, caused a strict valuation to be made of all the livings in England and Wales, and this valuation was recorded in the King's Book, usually called the *Liber Regis*. He also caused an Act of Parliament to be passed (the 26th Henry VIII.), by which it was provided, that every bishop, dignitary, and beneficed clergyman should pay the whole of his first fruits and tenths into offices appointed for the purpose; and that any person who should neglect to make such payments should be considered as an intruder into his living; that he should be subject to expulsion; and that he should pay, as a penalty, double the amount of the sum that he had withheld. In this way the payments were made till the time of Queen Anne, when Her Majesty, moved by Bishop Burnett, determined to alienate the payments from the Crown, and to appropriate the produce of the taxes, fruits, and tenths to the augmentation of the livings of the poor clergy, and a charter of incorporation was granted to a dignified body of men under the designation of the "Governors of Queen Anne's Bounty." Loud and general were the eulogiums pronounced upon the Queen for this act of royal munificence. Addresses flowed in from all parts of the kingdom; but the clergy were amongst the most prominent in their expressions of gratitude. I hold in my hand a memorable address passed and presented upon that occasion; it is from the Archbishop, Bishops, and Clergy of the province of Canterbury, assembled in convocation on the 15th of February, 1704, and is in these terms: —

> We, the Archbishop and Bishops of the Church of England, together with the clergy, do most humbly beg leave to express the great and deep sense that we have of your Majesty's most tender compassion for the poor clergy of this church, who have hardly wherewith to support themselves in the exercise of their ministry, and of your Majesty's gracious intentions, even by bestowing your own revenue to make a provision for them, in such a manner as you were pleased to declare in your Majesty's late message to the House of Commons. We cannot be thankful enough for so singular a blessing as we enjoy in a Queen who has recommended our holy religion to her subjects by the great example she has set them, and particularly by such signal instances of piety and charity as not only render

> her the joy and delight of all true Christians of this age, but leave those effects behind them for which Her Majesty will be blessed in all succeeding generations.

The province of York, emulating the example of the metropolitan see, also addressed Her Majesty; and their Address, which I also hold in my hand, expressed, in still more pointed terms, their gratitude and admiration of the Queen's conduct and bounty. They said, among other things, that Her Majesty had removed the great, if not the only, blemish of the Reformation, by making a competent provision for the poor clergy, and they declared that her pious and charitable example would be highly acceptable to God; that it would have its effect upon all her subjects, and especially upon the clergy. As a further proof of the high expectations that were raised by the Queen's bounty, I may mention the distinguished persons who were appointed governors of the fund. These were, the whole bench of bishops, the Speaker of the House of Commons, Her Majesty's privy councillors, the lords lieutenants of counties in England and Wales, the deans of the several cathedral churches in England and Wales, all the judges, the chancellors and vice-chancellors of the two universities of Oxford and Cambridge, the Lord Mayor and aldermen of the city of London, &c. &c. To show how deplorably those sanguine expectations were blighted, I may mention the amount of the receipts and the expenditure of the fund of Queen Anne's Bounty during the year 1838, which I take from a parliamentary paper just issued, and which exhibits the following results: —

Receipts from the bishops, dignitaries, and beneficed clergy in England and Wales in the year 1838, into Queen Anne's Bounty Fund, and charges upon the fund during the same period: —

	£
Receipts —	
As first fruits and tenths . .	13,579
Disbursements —	
Paid for salaries, fees, rent of offices and taxes	6346
To be divided amongst the poor clergy, amounting to from 7000 to 8000, being about 20*s.* each, if distributed to the whole number	8233

But the House will inquire how so fair a promise of competency for the poor clergy came to be so wofully disappointed? The answer is this: — the Bounty Act conferred a clause which has been perverted, so as to make the payments nominal instead of real, and to confine them to the *valor* of King Henry VIII., instead of giving to the poor clergy as to the rich clergy the benefit of the continually increasing value of sees and livings. The passage in the 2d and 3rd of the Act of Anne, c. 11., which defeated the just expectations of the Sovereign, and consigned so large a portion of the clergy to poverty, occurs in the last section of that Act, but it was, in reality, only intended, as the title of the clause shows, to allow the clergy to give one bond for the payment of their first fruits, instead of four, as had hitherto been the practice. The clause runs thus: —

> And whereas four bonds for four half-yearly payments of the first fruits, as the same are rated, have been required and taken from the clergy, to their great and unnecessary burden and grievance; for remedy thereof be it enacted, that from and after the 25th of March, 1704, one bond only shall in such case be given or required for the four payments of the said first fruits, which said first fruits as well as the tenths payable by the clergy shall hereafter be answered and paid by them according to such rates and proportions only as the same have heretofore been usually rated and paid.

It has been contended that the words "the same rates and proportions" only meant the same value, and that as the clergy had hitherto paid the first fruits and tenths upon the valuation made in the reign of Henry VIII., that they were in all future times to continue to pay upon the same valuation, however much the livings might, meanwhile, have increased or decreased in value. But this supposition is directly at variance with the Act of Henry VIII., which provided that fair valuations should be made from time to time, to prevent those livings that might increase in amount from paying too little, and those that should have diminished in amount from paying too much. I will undertake to prove that the construction attempted to be put on the disputed words, by rendering the valuation permanent and unalterable, cannot be sustained. Suppose the case of a living returned in the *Liber Regis* at the value of 500*l.* a-year, but reduced to 100*l.* The account would stand thus at the end of an incumbency of ten years: —

Ten years income at 100*l.* a-year .		£1000
Payment for first fruits .	£500	
Payment for tenths, being 50*l.* a-year . . .	450	
		950
Total amount for ten years' maintenance of bishop or rector, being 5*l.* a-year . . .		£50

I shall next proceed to show how great is the difference between the real first fruits and tenths, and the sum actually paid into Queen Anne's Bounty Fund; and I will instance the living of Lambeth.

This rectory was returned in the *Liber Regis*, on which the first fruits and tenths were paid, as of the value of 32*l.* a-year; the tenths being 3*l.* 4*s.* yearly, but the actual value, as returned to the Ecclesiastical Commissioners by the present rector, was 2277*l.*; and the account stood thus: —

Real amount of first fruits .		£2277 0
Ditto of tenths . 227 × 9 .		2043 0
		£4320 0
Sum paid as first fruits .	£32 0 0	
as tenths £3 : 4 × 9 =	28 16 0	= 60 16
Difference in one living on an incumbency of ten years, to the disadvantage of the poor clergy . . .		£4259 4

This is by no means a singular or an exaggerated case; such instances are extremely numerous, as I will show in the observations that I shall have the honour to address to the House. I shall not, however, rely upon my own opinion in a matter of this consequence, but refer to high legal authority. Lord Chancellor Eldon, though he was not in favour of the higher orders of the clergy paying the first fruits and tenths to the full amount, admitted in his speech upon this subject in the House of Lords, that the words "according to such rates and proportions, only, as the same have, heretofore, usually been rated and paid," referred not to the value of the livings remaining the same, but to the rates and proportions to be paid on the value. That is the whole question. If the words do not imply an unaltered value, they do not bear out the construction that on a former debate in this House was put upon them by the Right Honourable Gentleman the Member for the University of Cambridge, or by the late Solicitor General. But I will proceed to show by high legal authority, as well as upon the principles of justice and common sense, that there is no legal impediment in the way of the first fruits and tenths being paid upon the real value; and I may mention an Act of Parliament passed in the first year of the reign of George I., c. 10., which enacted and required that the bishops, who were the acting and the real governors of Queen Anne's Bounty Fund, should make a re-valuation of the ecclesiastical livings in England and Wales, on their improved value, for the benefit of the poor clergy. Why that object has not been carried into effect, I will not pretend to say; but I will proceed to quote the legal authorities to which I have referred, to show that these ancient imposts ought to have been paid, and ought now to be paid, on their full value. I shall first quote the authority of the late Mr. Agar, one of Her Majesty's counsel.

Mr. PLUMPTRE. — I think that this is a subject of too much importance to be discussed in so thin a House, and I therefore move that the House be counted.

House counted accordingly; and forty Members not being present, the House was adjourned at eight o'clock.

HOUSE OF LORDS, MARTIS, 18° DIE FEBRUARII, 1840.

APPEALS.

Persse *v*. Persse. — Further heard, and adjourned to Thursday next.

De Montmorency *v*. Devereux. — To be heard on Thursday next.

LORD CROFTON took the oaths.

TRANSFER OF AIDS BILL.

Read a second time; Committee negatived; and Bill to be read a third time on Thursday next.

PRISONS ACT AMENDMENT BILL.

Amendments reported (according to order); Bill to be ingrossed; and to be read a third time on Thursday next.

Adjourned.

HOUSE OF COMMONS.

The House met at two o'clock, and Mr. Speaker and the House (pursuant to the notification of yesterday) proceeded to Buckingham Palace to present to Her Majesty the address of congratulation on Her Majesty's marriage.

The Speaker resumed the chair at five o'clock.

QUEEN'S MARRIAGE — ANSWER TO ADDRESS.

Mr. Speaker reported Her Majesty's answer to the Address, as follows: —

"I thank you for this dutiful and affectionate Address. It is with great satisfaction that I find that an event, in which my feelings are so deeply interested, has been attended with so many manifestations of joy among my people, and has called forth expressions of loyal attachment from my Parliament."

PRIVATE BUSINESS.

Hull Docks; Norwich Improvement (No. 1.); *Wexford Harbour and Embankment; Clyde Navigation.* — Petitions for Bills severally reported; Reports severally referred to the Select Committee on Standing Orders.

In the following cases, petitions for Bills were severally reported, and Bills ordered to be brought in, as follows: —

Wear (River) Watch, — By Mr. Alderman Thompson and Mr. Andrew White.

Shrewsbury Cemetery, — By Sir Richard Jenkins and Mr. Slaney.

Rocester and Derby Junction Road, — By Mr. Edward Buller and Mr. William Evans.

Glasgow Poor Rate,—By Mr. Oswald and Mr. Dennistoun.

Scottish Widows' Fund,— By Mr. Gibson Craig and Mr. Attorney General.

Tower Ward Improvement, — By Mr. Crawford and Sir Matthew Wood.

The following Bills were severally presented, read a first time, and ordered to be read a second time; namely, —

Birmingham and Derby Junction and Tamworth Approach Bill, — "To make a further Alteration in the Line of the Birmingham and Derby Junction Railway, and an Approach thereto at Tamworth, and to amend the Acts relating to the said Railway."

Macclesfield and Congleton Road Bill, — "For repairing and improving the Road from Macclesfield to Congleton, in the County of Chester.

London and Greenwich Railway Bill, — "To amend and enlarge the Powers and Provisions of the second Act, relating to the London and Greenwich Railway."

Taff Vale Railway Bill, — "To amend the Acts relating to the Taff Vale Railway."

Fiers' Naturalisation Bill.

Hagbourne Inclosure Bill. — Read a second time, and committed to Mr. Robert Palmer and the Berks list.

Edinburgh Market and Petty Customs Bill; Edinburgh Gas Bill. — Severally read a second time, and committed to Mr. Gibson Craig and the South Scotland list.

Freethorpe Inclosure Bill. — Read a second time, and committed to Mr. Wodehouse and the West Norfolk list.

Edinburgh and Leith Gas Bill. — Read a second time, and committed to Mr. Attorney General and the South Scotland list.

Wimborne and Piddletown Road. — Mr. C. F. Ponsonby presented petitions in favour of the application,—from Lyme Regis; Exeter; Wimborne Minster; Axminster; and Dorchester. — To lie on the table.

On the motion of Mr. C. F. Ponsonby, the petition of Charles Castleman, for leave to proceed with the Bill (presented 17th February), was read.

Mr. C. F. PONSONBY. — I now move that leave be given to bring in a Bill for making a turnpike road from Piddletown to Wimborne Minster, both in the county of Dorset, with branches, and also a certain other road in connection therewith.

Upon the question being put, —

SIR E. KNATCHBULL said: — Sir, I feel bound to oppose this motion. This is, in point of fact, an appeal from the Report of the Standing Orders Committee; and I will, in a few words, state the circumstances of the case. The object of the petition is, to obtain the leave of the House to bring in the Bill, notwithstanding the Report of the Standing Orders Committee; and it states that the Standing Orders were complied with in all respects, except that the dotted line, showing the proposed cuttings and embankments, was not marked on the plan. The surveyor did that which he thought would show more clearly the intention of the parties; but as, by that course, he neglected to comply with one of the Standing Orders of the House, the Committee, although giving every credit to the surveyor for his intentions, thought it their duty to report that the Standing Orders had not been complied with. I do not imagine that any inconvenience would result to the public if the parties were allowed to proceed with their Bill; but the Committee have thought it their duty to discountenance any infringement of the Standing Orders; and, as a member of that Committee, I shall feel it my duty to take the sense of the House against the motion.

Mr. LABOUCHERE. — I take precisely the same view of this case as has been taken by the Right Honourable Gentleman who has just spoken. I conceive that in all cases we ought to require a strict adherence to the Standing Orders as laid down; and when, as in the present case, the Committee unanimously decide that the Standing Orders have not been complied with, I think it would be opening the door to great public inconvenience if the House were to entertain a proposition such as that which is now before it. The effect would be, to permit persons who neglect to comply with the Standing Orders to proceed as though they had complied. I therefore shall feel bound to oppose the Honourable Gentleman's motion; but, perhaps, he will allow me to suggest to him, as the House cannot, with any regard to consistency, afford relief in the present case, whether it would not be better to withdraw the motion.

Mr. G. W. HOPE. — It appears that no fraud was intended, and that no real mischief was done to any party by the deviation from the Standing Orders, of which the Committee complain. It is admitted that the conduct of the surveyor was regulated only by a desire to afford to the House all the information in his power; and as, I believe, relief has been given in other cases, I do hope the House will not refuse to extend it in this.

Mr. PONSONBY. — As the feeling of the House appears to be against me, I must beg to withdraw the motion.

Motion, by leave, withdrawn.

PUBLIC BUSINESS.

FACTORIES.

LORD ASHLEY. — Sir, I will take this opportunity of giving notice that on Tuesday, the 3d of March, I intend to move for the appointment of a Select Committee to inquire into the operation of the Act for regulating mills and factories, and to report their opinion thereupon to the House.

RETURNS.

Navy. — On the motion of Mr. Corry, Returns ordered —

Of the number of line-of-battle ships afloat, in commission and in ordinary (exclusive of those for harbour service only), on the 1st day of January, 1793:

Of the line-of-battle ships afloat, in commission and in ordinary (exclusive of those for harbour service only), on the 1st day of January, 1815:

Of the number of fourth, fifth, and sixth rates afloat, in commission and in ordinary (exclusive of those for harbour service only), on the 1st day of January, 1793:

Of the fourth, fifth, and sixth rates afloat, in commission and in ordinary (exclusive of those for harbour service only), on the 1st day of January, 1815.

Marines.—On the motion of Sir R. Peel, Accounts ordered —

Of the number of marines now employed on shore or afloat on the coast of Spain in any service connected with the execution of the Quadruple Treaty:

Of the total value of the stores of all descriptions advanced to Spain under the provisions of the Quadruple Treaty: of the sum (if any) received from Spain, on account of such advances, and of the arrangement made with Spain in respect to the ultimate repayment for such advances.

CIVIL LIST PENSIONS.

SIR ROBERT PEEL. — I presume, Sir, there will be no objection on the part of the Noble Lord to the motion I am now about to make,—namely, "That there be laid before this House a Return of all pensions on the Civil List granted since 18th day of February, 1834, to the present time; specifying the name of the party to whom in each case a pension has been granted, and the amount of the pension granted. Also, an account of the total amount of pensions granted in each year ending the 20th day of June 1835, 1836, 1837, 1838, and 1839.

Upon the question being put, —

LORD J. RUSSELL said: — I wish to propose a slight alteration in the first of these Returns. I am anxious that the Return should be extended so as to include the whole period from February, 1828. I beg, therefore, to propose to leave out the words "18th day of February, 1834," in order to insert the words "1st day of February, 1828," instead thereof.

Question, "That the words '18th day of February, 1834' stand part of the question," put, and negatived; words inserted; main question, as amended, put, and agreed to.

Return ordered —

Of all pensions on the Civil List granted since the 1st day of February, 1828, to the present time; specifying the name of the party to whom in each case a pension has been granted, and the amount of the pension granted:

Account of the total amount of pensions granted in each year ending the 20th day of June, 1835, 1836, 1837, 1838, and 1839.

CASE OF MR. COMMISSIONER STEVENSON.

LORD GRANVILLE SOMERSET.— I wish to ask the Right Honourable the Chancellor of the Exchequer whether Mr. Stevenson, since his appointment as Commissioner of Excise, has received any compensation under the Emancipation Act?

The CHANCELLOR of the EXCHEQUER. — He has not received any salary for the whole period. I think that the duties he performed extended over a period of three years, and he has only received salary for half that time.

LORD G. SOMERSET. — Then I shall, perhaps, feel it my duty to move for some papers connected with the subject.

ANSWER OF HER ROYAL HIGHNESS THE DUCHESS OF KENT TO THE CONGRATULATORY ADDRESS.

The Earl of Lincoln appeared at the bar with the answer to the Address to the Duchess of Kent, which was as follows: —

"I receive with great satisfaction this proof of the attention and regard of the House of Commons, which is most gratifying to my feelings; and I return them many thanks for their congratulations."

GENERAL COMMITTEE ON ELECTION PETITIONS.

Mr. Pendarves brought up the Report of the General Committee on Election Petitions, which was read from the table. The Committee reported that they had appointed Thursday, March 12. for the panel No. I., to serve as an Election Committee on the Ludlow and Ipswich petitions; and Monday, March 16. for panel No. II., to sit on the Totness and Cambridge petitions. The Honourable Member said: — Since we are now on the eve of commencing a new system, I wish to suggest that, as, by the Act, Honourable Members who serve on these Committees will have only twenty-four hours' notice to attend on them, and as, at the time when these notices are issued, they may not be in attendance or sufficiently within the neighbourhood of the House to allow of their receiving such notices, the House should make some order to provide for the inconvenience arising from their possible non-attendance.

SIR ROBERT PEEL. — I think the proper way would be, to serve an order of the House on the Members, so as to insure their attendance upon the proper day.

Mr. GOULBURN. — I think it would be better to postpone the subject for a day, because the House is about to take a step which may operate so as to guide it in its future proceedings. Four-and-twenty hours will not interfere with the object which the Honourable Gentleman has in view, and I think it would be much better to give notice for to-morrow, so that the House may have time for consideration.

Mr. PENDARVES.— I willingly adopt the suggestion of the Honourable Gentleman, and beg to give notice that I will bring the subject before the House to-morrow.

CHINA.

SIR J. GRAHAM. — I am desirous to put a question to the Noble Lord opposite, the Secretary for Foreign Affairs. I think that it was in July last that official accounts reached this country that British property, to a very large amount (upwards of 2,000,000*l.* sterling) had, by order of the English superintendent at Canton, been surrendered to the Chinese authorities, on a pledge given by the superintendent that the loss should be made good to the owners by the British Government. In November last, however, the Secretary of the Treasury gave official information to the parties interested that it was not the intention of the Government to make that repayment. At the commencement of the present Session, Her Majesty, in her most gracious Speech from the throne, expressed her regret that events had happened which had occasioned an interruption of the commercial intercourse of her subjects with China. Subsequent information was received that acts of hostility had been resorted to, and that the port of Canton was blockaded by a British force for four days; but that the blockade had since been withdrawn. Still more recent news has reached this country that our ships have been attacked by the Chinese, and that a conflict has taken place. Parliament has now been assembled for a month, and no information has yet been laid before the House from which we might collect what is the real situation of affairs at Canton; and the question which I have now to ask the Noble Lord is, whether he is yet prepared to say when he will lay on the table papers relating to affairs that are so interesting to this country?

VISCOUNT PALMERSTON. — The Right Honourable Baronet is, no doubt, aware that papers have already been moved for, and ordered by the House, which are now in the course of preparation. I have made it my business, before coming down to the House, — seeing that the Right Honourable Baronet had given notice of his intention to put the question which he has now asked, — to go down to the office and ascertain when they would be ready for presentation; and I trust that they will be ready early next week, but they will not be ready before that time.

SIR J. GRAHAM. — Do I understand the Noble Lord to say that they will be ready early next week?

VISCOUNT PALMERSTON. — I trust so. The clerks whose business it is to prepare them are fully engaged with them, and several sheets are in the hands of the printers.

PERSIA.

SIR J. GRAHAM. — I beg to ask another question of the Noble Lord, which has arisen out of another paragraph in the Queen's Speech, relative to our existing relations with the Schah of Persia. It was stated in Her Majesty's Speech that communications which had been received from the Court of Teheran induced Her Majesty to expect the re-establishment of our diplomatic relations with the Schah of Persia. The question I have to ask is, whether any information has been received by the Noble Lord realising the expectations so held out, and whether there is any immediate prospect of any arrangements being come to with the Court of Teheran? There is another question which I have to put to the Noble Lord, respecting the position in which we stand with regard to the Schah of Herat. I wish to ask whether the Sovereign of Herat, Kamram Schah, has seceded from our alliance, and whether he is not, now, in intimate connection with the Court of Teheran?

VISCOUNT PALMERSTON.— Some time ago information was received from the British minister formerly resident at the Court of the Schah of Persia, stating that the Schah had consented to all the demands of the British Government. Subsequently to that period, however, I received a communication from the minister of the Schah, comprising the details of the contemplated arrangements. It then appeared, on examination, that the mode in which the Persian Government proposed to execute its general intentions, and to give satisfaction to the British Government, was not, on certain points, the same as the manner in which it had been proposed by Her Majesty's Government that satisfaction should be given. This made it necessary for me to make another communication to the minister of the Schah; and of course that communication has not yet been answered; but as the Schah has declared his intention of acceding without qualification to the demands of the British Government, I have no doubt that the answer which will be received will be satisfactory. In the mean time the British agent remains at Erzeroum, with orders not to return to the Court of Persia till satisfaction shall have been given. As to the second question of the Right Honourable Baronet, I am not able to state precisely the nature of the relations existing between the Governor General of India and Kamram Schah. I have not, myself, received any information respecting the close connection said to be established between Kamram Schah and the Court of Persia, but some late accounts have seemed to show that such a connection existed. Those accounts, however, rest only on report.

HILL COOLIES.

SIR E. WILMOT.—I hope the Noble Lord the Secretary for the Colonies will have no objection to postpone the Committee on the Colonial Passengers Bill until a later period than the day now fixed (Friday week),—in order to give those Gentlemen who take an interest in the subject, time to consider the clauses which I propose to introduce, for regulating the emigration of Hill Coolies to the Mauritius.

LORD JOHN RUSSELL.—If the clauses shall not be ready in time for Members to have an opportunity of considering them, before the day now fixed, I will, in that case, postpone the discussion to a further day.

SIR J. GRAHAM.—I see, by the Votes of the other House, that a number of Returns, containing information respecting the Hill Coolies, have been granted by the Noble Lord at the head of the Government. I presume that there will be no objection to furnish copies of the same papers to this House.

LORD J. RUSSELL.—Any information which can be given respecting the emigration of Hill Coolies, and the condition of those who have emigrated, will be given with the papers which my Noble Friend at the head of the Administration has promised, in the House of Lords, to lay before Parliament. If the Right Honourable Gentleman move for these Returns, I hope that he will adhere to the form of the Returns ordered in the other House. These papers will, I believe, give all the information in the possession of the Government.

PILOTAGE.

Mr. A. WHITE.—As I consider that it is desirable to do something on the subject, I beg to ask the Right Honourable Gentleman the President of the Board of Trade, whether it is his intention to bring in any Bill respecting pilotage?

Mr. LABOUCHERE.—I agree with the Honourable Gentleman, that legislation upon the subject is highly desirable. But after what occurred with respect to the Bill formerly brought in by my predecessor (Mr. P. Thomson), it certainly is not my intention at present to bring in a Bill on the subject, as I believe it would be needlessly occupying the time of the House.

LEAVE OF ABSENCE.

On the motion of Mr. Wallace, leave of absence was given to Mr. Gillon for one month, on urgent private business.

PRINTED PAPERS—BREACH OF PRIVILEGE.

The Speaker asked the Sergeant-at-Arms whether Mr. Howard, junior, was in attendance; and, being answered in the affirmative, he ordered Mr. Howard to be brought in.

Mr. Howard, junior, being accordingly brought to the bar,—

The SPEAKER said:—What is your name?—Thomas Howard.

What is your profession?—I am clerk to my father, who is an attorney, residing in Norfolk Street, Strand.

Have you been recently engaged in

issuing and serving writs for your father, in the case of Mr. Stockdale? — Yes; several.

On what days? — I am not certain. I believe two on Friday last, and one on Saturday.

The ATTORNEY GENERAL. — By whose orders? — By my father's.

Have you gone to him, where he is confined, and received instructions from him there? — Yes.

You went to him, and he gave you orders? — Yes.

What were the writs you served? — I served three copies of one writ on the Messrs. Hansard, in the suit of Mr. Stockdale against them.

Have you seen Mr. Stockdale in those circumstances? — I have not.

Has the cause of action been mentioned to you? — It has not.

Are you aware of the cause of action? — I don't know for certain, but I can give a near guess.

Were you not aware of the cause of action at the time you sued out the writ? — No, I think not.

Have you taken any proceedings in the action now pending, at the suit of Stockdale, against the Messrs. Hansard?—Yes, a great many.

Since your father was in confinement? — Yes.

Do you know the cause of action? — I do.

Mr. GODSON. — How old are you?— Nineteen.

How long have you been apprenticed to your father? — I have been articled three years.

Mr. O'CONNELL. — You knew that your father was in confinement for bringing an action against the Messrs. Hansard, which had been pronounced a breach of the privileges of this House? — Yes.

And you acted in the present action by your father's orders? — Yes.

Mr. GODSON. — Are you not obliged to obey all the lawful commands of your master? — Yes.

It is part of your articles? — Yes.

Mr. Howard was then ordered to withdraw.

The ATTORNEY GENERAL. — It is with very great reluctance that I rise to move the resolution which it is now become my duty to submit to the House. It appears that this young man proceeded in this action for his father, although he knew that his father was in confinement for a breach of the privileges of this House for carrying on a former action against our printer. It has been stated by the person just withdrawn from the bar, that he knew what was the cause of the previous actions, and he persisted, he says, in following up the present action by the advice of his father, and under his directions. We must abandon our powers altogether, if we thus allow the attorney's clerks to carry on the proceedings for the attorney, after we have imprisoned the latter for instituting them. An Honourable Gentleman opposite has said that this young man was bound to obey the commands of his master. No doubt he was bound to obey all his lawful commands; but this was not a lawful command, but a breach of the privileges of this House, and therefore he was under no necessity to obey it. I beg therefore to move that Thomas Howard, junior, for having conducted an action against Messrs. Hansard, after this House had passed a resolution that to proceed with such action was a breach of its privileges, and after his master had been committed to Newgate for proceeding therein, has been guilty of a contempt, and a high breach of the privileges of this House.

SIR E. SUGDEN. — I certainly have heard, with great surprise, the proposition of my Honourable and Learned Friend; for I am sure that, after the proposition that we have just heard, the House is not prepared to say whether the action that was brought, and for which we are now asked to declare the person just called to the bar guilty of a breach of our privileges, was the second, the third, the fourth, or the fifth action. The young man was called to the bar for proceeding in a new action, and he was questioned by the Attorney General on the subject, and his answers showed that he was, intentionally, free from all blame in this action, and, in consequence, the House would have been obliged to discharge him from further attendance. The Attorney General, however, then proceeded to question him respecting — not the action for which he was called to the bar, but — the action for which his father had been committed to custody. No farther question was asked of him than to elicit from him that he was acquainted with the nature of that action. I was greatly surprised, and I am sure that the House must have been so, to find this young man called upon to answer in an action in which damages have already been levied and paid. The House has had no information as to the nature of any particular action, in respect to which these parties have been summoned here to-night. The Attorney General, however, proposed that they should proceed against this boy, because he merely executed a duty which he was bound by his articles to execute. This youth, no doubt, thought he might be excused for acting in his particular situation, when he might have thought that the cause of action had been confirmed by the full court of the Court of Queen's Bench. That boy was not to be expected to understand the law, or to enter into a conflict with the Court of Queen's Bench. It seems to me as if a trap was laid to catch this boy in his answers in reference to an action for which he was not called to the bar. It therefore appears that he was called there for one purpose, and it is now proposed to punish him for something else. Perhaps, while on this part of the subject, I may be allowed to make some observations on the cases referred to, last night, by the Noble Lord, who made some communications on matters altogether distinct from the subject before the House, and came to a conclusion which, though it appeared to make some impression on the House, I think was not a sound conclusion; and this I will prove. The question is, not as to whether we possess the privilege of publishing these papers, but it is, how the privilege, if it exists, is to be enforced. For my own part, I think that the House had the right to publish that particular paper; but I do not think that the course we are pursuing is the just mode of vindicating or defending our privileges. The Noble Lord has stated that I referred to cases that had occurred in the Parliaments of Charles I. and Charles II. The Noble Lord said that, in some of these Parliaments, the most important cases had been decided with reference to the privileges of Parliament; but that there were many things done by the House of Commons of those days of which he could not approve. I agree with the Noble Lord that there were many things done both by the Long Parliament and by the Parliament of Charles II. which are not worthy of commendation; I therefore go so far along with the Noble Lord; but I also go further, and I think that the conduct of these Parliaments, in these cases of privilege, was not worthy of such commendation as has been bestowed upon them by the Noble Lord. One of those cases was that of an ancestor of my Noble Friend near me (Lord Eliot), and who, at the time, was Member for Cornwall,—I mean Sir John Eliot, and eight other Members. The other case was that of the Speaker, Sir W. Williams, in the time of Charles II.; and both cases involved the question of liberty of speech in Parliament. I will show that the Noble Lord was wrong in the view which he took of both cases. In the case of Sir John Eliot, the information was exhibited in the King's Bench against him and the other Members, for acts done in this House, and they pleaded they ought not to be punished in that court, or any other, except in the high court of Parliament. The judges, however, decided against them; and Sir John Eliot, as the alleged greatest offender and the ringleader, was fined 2000*l*., and the others were amerced in smaller fines. The House of Commons resolved that the proceedings were illegal, and that the information in the Court of King's Bench for matters done in Parliament was against the law and privilege of Parliament, and a gross contempt and breach of privilege. But how were these proceedings respecting the infringement of their privileges to be got rid of? First of all, there was a joint resolution of this Honse and of the House of Lords on the subject; and then there was a writ of error issued by the House of Lords, reversing the judgment. This, be it recollected, was done, not by acting against the law, but by acting with the law, and by appealing to the supreme tribunal, the House of Lords, for the reversal of the proceedings in the case. The second case was still stronger,—namely, the proceedings against Speaker Williams, for they have never been reversed from that hour to this by any judicial tribunal whatever; but that decision was destroyed by the Bill of Rights: the Bill of Rights declared that freedom of speech in the debates or resolutions of the House ought not to be impeached or examined in any place out of the House. That was intended to meet the case of Speaker Williams. In the one case, then, the House was set right by the House of Lords acting as a court of appeal; and in the other, by the Bill of Rights; so that the law of the latter case could never be disputed again. Those cases, then, prove that the course which the minority have taken in the present proceedings is right. One word more about precedents. In the case of "Jay *v.* Topham," Chief Justice Pemberton and one of his colleagues were called before the Convention Parliament, which resolved that the plea ought to have been put within the jurisdiction of the House, and that the judges should be committed. But that resolution of the Convention Parliament was admitted by all lawyers and judges to be illegal. That was a settled point. In the case of "Ashby *v.* White," all the steps which the House would now take were actually adopted; and, in the end, the House was signally defeated.

Before I sit down I will just allude to Naylor's case, in the time of the Commonwealth, to show that when a popular assembly has to deal out punishment for an offence, it scarcely knows within what bounds to limit the punishment. The House resolved —

> That James Naylor shall be put in the pillory in the city of Westminster for the space of two hours, on Thursday next, and then be whipped by the hangman through the streets from Westminster to the Old Change, and there be put in the pillory again from the hours of eleven to one on the following Saturday. He shall then have his tongue bored through with a red hot iron, and be branded with the letter B, and sent to Bristol, where he shall be paraded through the city on horseback, with his face backward. From Bristol he shall be brought back to London and sent to the Tower, there to be kept to hard labour by order of Parliament, and be debarred the use of pen, ink, and paper, and have no relief but what he can earn by his daily labour.

At that time the Attorney General was not so considerate as the Attorney General of the present day, for he modestly proposed that Naylor should first be whipped, and afterwards that an Act should be passed to hang him at once.

[Laughter.]

It appears that Cromwell, when consulting his officers as to whether or not he should accept the title of "King," referred to the case of Naylor, and urged the necessity of the House being controlled by another power — by the House of Lords, or by some other authority, otherwise the same mischance might happen to any one of them. But, to conclude. The question we have to consider is, how our privilege can best be vindicated? It is not reputable for the House to pursue the course that has been recommended to it to pursue. There are ways and means to amend the law by which the powers of this House can be vindicated; and the only question is, how this law can best be effected? I submit that the mode proposed is not the proper one, and it would not be becoming in the House to permit a boy to be committed to prison for having obeyed his father in regard to an action for which the House did not intend to call him to account, and not in regard to the action which they did intend to call upon him to explain. I hope, therefore, that the Attorney General will not press this motion; for if he does, I will feel bound to divide the House upon it.

The ATTORNEY GENERAL. — The Right Honourable and Learned Gentleman has entirely mistaken the case. The question which I put to the person at the bar related to the fourth action, and with that action that person acknowledged that he had proceeded, although he knew that his father had been committed for a breach of privilege for commencing the same. It was for the fourth action that the father was committed, and it was for following up that action that the son was now called to account. The Right Honourable Baronet might have taken another opportunity of entering into the general question of privilege.

[Cries of "Spoke, spoke!" during which the Honourable and Learned Gentleman resumed his seat.]

SIR E. KNATCHBULL. — I am at a loss, even now, to understand, with any degree of certainty, to which action the present resolution has reference. Is it the fifth or the fourth action upon which the House is about to proceed? If the fifth action had not been brought, would the present proceedings have been taken? or should we have been called on to notice the youth at the bar? I think that it is by no means fair to deal with the son of the attorney in this manner. I suppose that the Attorney General will not venture to proceed against that person except upon clear and intelligible grounds. The Honourable and Learned Gentleman has said that he proceeded against the father for the fourth action; but he has not taken the trouble to ascertain whether the son had been acting in the father's name before or since the committal of the father. No inquiry has been instituted to settle that point; and I therefore think that we should act improperly and unjustly, and without due consideration for the character and dignity of the House, if we committed the son under such circumstances. I submit this point to the Noble Lord and the Honourable and Learned Gentleman, and hope it will receive attention. I should be sorry to use any harsh expressions on the present occasion, but I can scarcely forbear repeating the complaint that has been made, that no courtesy has been shown to the minority on this question. I think that there has been a want of consideration towards the minority. The privileges of the House have, or they have not, been violated. That being the question, and the minority exceeding 100, I do think that some further consideration might have been shown towards so large a number of Members, and that, at least, as to consequences, some greater respect should be paid to their opinion.

Mr. O'CONNELL. — Contrary to what has been stated by the Honourable Baronet, it is my opinion that the majority has been treated with very little courtesy, for they have been compelled to listen to the reiteration of the same arguments from the minority, who are still unyielding — very conscientiously, no doubt — to what appears to be the unanimous opinion of an overwhelming majority of the House. The Right Honourable Baronet appears to have fallen into mistake as to the nature of the motion, for it is not, at present, one for commitment. The motion now before us, is to declare whether or not the person who has been called before the bar of the House is guilty of a breach of privilege, or not. For my own part I should be sorry to vote for his commitment until I have ascertained that the House declares he had been guilty of a breach of privilege; and then, if, on being called before the bar and informed of that decision of the House, he should hold out the least hope that he would not continue to prosecute the action, I, for one, in that case, would not press for his commitment. But with respect to the objection of the Right Honourable Member for Ripon, there cannot be the slightest doubt that the son followed up the fourth action commenced by the father, for I put that question to him, and asked him if he had proceeded with the fourth action after he was aware that his father was in custody for a breach of privilege, and he answered in the affirmative. Now, I ask, could the House proceed against the sheriff hereafter, if they allowed a person to go free, who, with a knowledge that his father had been committed for a breach of privilege in commencing an action, nevertheless continued to carry it on? Talk of traps, indeed! I think that would be laying a trap for the sheriffs; because it would amount to this, that we should wilfully allow an action to proceed on which we should afterwards turn round upon the sheriffs, whom we ought to favour as much as we possibly could, consistently with the maintenance of our privileges. It would not be fair to put the sheriffs in jeopardy. I believe that there is not that desire and appetite amongst the majority for sending people to gaol which Honourable Gentlemen opposite suppose to be in existence. The Right Honourable Baronet seemed to put the question into a new phase, and to make it more difficult at every step. He has alluded to the case of Naylor by way of making the House of Commons appear cruel and tyrannical. But I utterly deny that the House of Commons acted in the way described. It was not the House of Commons, but an assembly culled from the three kingdoms by Cromwell, by virtue of his writs, and under the superintendence of his major general, without certainly the form of elections, or election petitions, for the qualification to sit was decided by a file of Cromwell's grenadiers, who were stationed in the lobby, and they let no man in who had not the *entrée* from Cromwell. That was the assembly which has been to-night called a House of Commons. They were not the House of Commons, but a set of miscreants, whose fanaticism went to such an extent, that the sentence which the Right Honourable and Learned Gentleman has read was but the milder sentence of the majority, the minority being for taking off the man's head at once. It does not become the Honourable and Learned Gentleman to taunt the House with the acts of such an assembly. He might as well taunt the House with the doings of the National Convention of France, for the one was as much the House of Commons as the other. If the young man now at our bar had not committed a breach of privilege, it would be difficult to define what a breach of privilege was. Would not the House place itself in a dilemma, if, after committing one person for commencing an action, they should let the other, who carried on the suit, go free? It would be nothing less than stultifying the House to act in this manner.

COLONEL WOOD. — I am rather unwilling to take a part in the present discussion, but I cannot help remarking that, notwithstanding all the Honourable and Learned Member for Dublin has said, I think that we have summoned the lad to our bar to answer for one offence, and now we are going to punish him for another. It is in consequence of the petition from the Messrs. Hansard which the Noble Lord has presented, complaining that a new action had been brought against them, — I believe the fifth or sixth action, — that the present proceedings have been taken by the House. The youth who made his appearance at the bar answered the questions put to him in a satisfactory manner; but he was certainly entrapped into an answer with respect to the fourth action, because he answered, very openly and honestly, every question that was put to him. I beg the House to consider before they decide upon committing this boy, how far they are prepared to go on in this course. How many sons will they continue to commit for obeying their fathers? If any mode can be devised by which the House can get out of this difficulty, it ought to be adopted. An Honourable Member said, in the course of the discussions which have taken place on this subject, that, unless the privileges of the House were supported by public opinion, it would not be easy to maintain them; but I very much doubt whether the people of this country will uphold this House in sending lads, one after another, to gaol, for obeying their fathers, whom, by legal articles, they are bound to obey. I hope, therefore, that the House will pause before they consent to take the present step. When I heard the lad give the first series of answers, I was glad to find that he said nothing which could implicate him, for the answers were satisfactory as far as he was concerned. But I did not expect that Honourable Members would go "trying back" in order to fix on some former proceedings, so as to lay hold of something for which the lad had not been summoned to answer.

Mr. T. DUNCOMBE. — I consider it to be quite immaterial to the question whether the young man who has appeared at our bar has been engaged in the fourth, fifth, or sixth action brought in Mr. Stockdale's name. I do not think that he ought to have been called at all. It is altogether unworthy of the House to be engaged in such a course as it is now pursuing. We were called together, about five or six weeks ago, for the consideration and despatch of "divers urgent and weighty affairs." We are now in the fifth week of the Session, and what have we done? We are, at the end of that time, engaged in a discussion whether we should commit this boy for obeying his father. The Honourable and Learned Member for Dublin has said that he would support the motion for declaring this young lad guilty of a contempt, because he obeyed his father, — to whom, besides the duty of a son, he owed, also, the obligation of an apprentice or articled clerk. I should like to know how that Honourable and Learned Gentleman would feel, if one of his own sons was to be committed for assisting him if he were in any difficulty or embarrassment. There can be no doubt that this boy, if committed, will call forth the sympathies of the public, because it will be generally felt that he ought not to be punished for what was only an act of obedience to his parent; and it is equally certain that the House will lose much in public opinion, and will, so to speak, make itself the laughing-stock of the country. It is, I think, high time that this course of proceeding should cease. To me, it appears that there is a way of getting out of the difficulty, on the part of the House, without any compromise of its honour, or giving up its privilege; and that is, by the appointment of a joint Committee of both Houses, to meet in conference, and declare what they do consider to be the privilege in this matter. There was a case analogous to this as regards the joint Committees of both Houses. In 1763, John Wilkes was arrested on a general warrant for seditious libel. He was brought up by *habeas corpus* before the Court of Common Pleas, and claimed his discharge on two grounds: first, that general warrants were illegal; and next, on his privilege as a Member of Parliament. The court held that the first plea was not good, thereby deciding that general warrants were legal; but it released him on his plea of parliamentary privilege. The law as to general warrants has since been altered; but it was then, and is now, admitted that a Member of Parliament was protected by his privilege in all cases except those of high treason, felony, or breach of the peace. The Attorney General of that day, not satisfied with the decision of the court, went on with the prosecution; the House having declared, by a resolution, that the privilege of Parliament did not extend to seditious libel. The court of law, however, held that it did extend to that case. The Commons, having passed the resolution just mentioned, communicated it in a conference to the Lords, and a joint Committee of both Houses met to consider the subject. The question was warmly contested in each House; but the Lords eventually decided that the privilege of Parliament did not extend to cases of seditious libel. No writ of error was moved against the decision of the court of law, because, after the decision to which the Lords had come, there was no doubt that, on an appeal, they would reverse the decision of the court below. I will now propose that the decision of this question be sent to a joint Committee of both Houses. If they agree to a resolution affirming the claim of privilege for publishing the Reports of both Houses, no legislation would, in my opinion, in that event, be necessary; but, should it be considered desirable, the joint Committee would soon agree on the heads of a Bill for that purpose. This course would, I think, get us out of the difficulty in which we are now placed, and save us the trouble and loss of time incurred in going on in this way from day to day.

I will now read to the House the amendment which I intend to propose: — "Resolved, that the privileges of Parliament are solely intended for the good of the community at large, and that the power of publishing the Reports, Votes, and Proceedings of this House is necessarily conducive to the public interests, and is an essential incident in the exercise of our constitutional functions: resolved, therefore, that it is expedient that a joint Committee, consisting of Members of both Houses of Parliament, should be appointed to consider as to the best mode of securing to each branch of the Legislature the full and free exercise of a power so important and so essential to the public welfare." By what fell from Lord Denman when this question was before his court, it is clear that he did not recognise this right of publication in either House. His observation was, — "I am not aware of the existence of any body in this country whose servants had a right to publish libels against any individual." From this it is clear that the Lords are equally interested in the assertion of their right of publication; and it would be highly probable that they would join with the Commons in asserting the rights of both. I beg, therefore, to move the amendment which I have just now read.

Mr. LEADER. — I rise to second the amendment. Up to a late period I have voted with the Noble Lord on this question of privilege, and I have done so in the belief that the House ought to possess the full right of publication. I consider that there are many things objectionable in the course pursued by the Government in this matter; but still the right of publication of our proceedings is so important, that I think it should be secured by every means in our power. However, on consulting some friends who are more learned in these matters, I feel convinced that the House does not, by the course now pursued, gain the right which is claimed, and that we are daily weakening the authority of the law in the country. The House does not gain the publicity which it sought; for the Blue Books, which are sent forth in such numbers in every Session, are not read by the public. The public come to a knowledge of their contents through the daily, weekly, and monthly press, and yet none of these are protected in such publications, and an action might be brought against any one of those publications for any alleged libel in those Reports; so that, in fact, there has been no publicity whatever gained by the House, — at least, none that is protected. It is therefore necessary that the House should take some other course besides that which it has hitherto adopted. Experience has shown that, in all the contests in which it has been engaged as regards its privilege, it has never succeeded except it has been backed up by public opinion; but I must say that public opinion is not with us on this occasion. I repeat, that the public opinion is decidedly against us. I have had many representations on this subject from some of my constituents. I do not say that I have changed my opinion on that account; but I will assert that one cannot meet with any persons out of this House, except the hangers-on of Government, who do not say that the House is acting tyrannically, and that it will be beaten at last. Let me ask, what would be the situation of the Attorney General, or of the Noble Lord, if twenty such strong-minded and determined men as Howard or Stockdale were to refuse to attend to the injunctions of the House? If, as I believe, this assertion of privilege, or the mode, at least, of that assertion, be not supported by public opinion; and if, as is the fact, it have been declared to be illegal by a large body of the lawyers of the country, and by one of the courts of law; —if, under these circumstances, twenty resolute men, not deterred by threats of commitment, were to go on with other actions, refusing to admit the privilege; what, I ask, would be the situation of the Attorney General, and of this House? Would it not be one of increased difficulty and embarrassment? After having gone all these lengths in support of our privilege, how do we know that the House of Commons, in the next Parliament, may not take a very different view of the question? I repeat, that what we have yet done does not secure to us the right of publishing. The courts of law, so far as we have resorted to them, have decided against us; and if we do not respect the law, I would ask what authority are we to respect? Why, Sir, in America, whose republican institutions are so often cast up against Members on this side of the House, the greatest respect is paid to the decisions of the High Court of Appeal, even in cases between particular states and the federal Government. The best and the safest way to settle this matter would be by legislation, or by conference between the two Houses; and the Lords would not refuse their sanction and support in a matter which affects their privileges also. Though that branch of the Legislature may not stand very high in the estimation of the Honourable and Learned Member for Dublin, and, perhaps, with good reason, yet they would not be so stupid as not to support their own privileges. If, however, the course pointed out by the amendment of my Honourable Friend should not succeed, we should be in no worse situation than we are in at present; but if we proceed as we are doing, we may rely upon it that we shall become every day more and more unpopular with the country. One subject connected with this question is, the present state of the law of libel; and, as far as relates to that, the present discussions and proceedings will do good, if they have the effect of inducing the Government to alter the law. In conclusion, I repeat my opinion, that the reference to the joint Committees of both Houses would be the most effectual means of bringing the question to a satisfactory termination, and I therefore fully concur in the amendment which I have had the honour to second.

DOCTOR LUSHINGTON.—I have listened with great surprise and unmitigated pain to the speech of the Honourable Member for Westminster, at finding with what slight regard to circumstances he discharges his parliamentary duty; and I have felt great astonishment at the speech of the Honourable Member, because, in the statement he has made to-night, he has confessed that his former votes have been given after only a hasty consideration of the subject. In the remarks made by the Honourable Gentleman there were scarcely any reasons stated for the line of conduct he was about to pursue. There was scarcely one ground of objection which he has now urged, that would not equally apply to the votes he has already given. What has caused so great a change in the Honourable Member's opinions, I will not pretend to say; but, in my opinion, the course he pursues on this occasion is most unaccountable. How has the Honourable Member disposed of the argument with respect to publication? Why, he has stated that it is through the channels of the daily, weekly, and monthly press, that the public mind acquires its knowledge of our proceedings. I ask that Honourable Member whether it is not in his experience that his constituents frequently have called upon him to put in their hands the valuable documents printed by the order of this House, in order that they might, therefrom, obtain information? But this is not all, for, during the recess, the most valuable part of the information given by the press is obtained from those papers. There is, therefore, no ground for the Honourable Members abandoning his former opinions upon the point of publicity. But, then, he has stated that the whole nation are against the House for the course we have taken, and that the public do not go along with us in these proceedings. I respectfully deny the correctness of the Honourable Member's assertion. I represent as large a constituency as the Honourable Member, and not one single word have I heard from any of my constituents in the slightest degree inculpating the course the House has pursued; and if they had offered their opinion against the present proceedings, my reply would have been, — "Are you not in the habit of coming to me, constantly, for these publications? and you — and you alone — cause me to publish these libels; and if the right which the House now claims is not affirmed and asserted, and if you will not support the House of Commons in the course they are now taking, you must be content to forego the information which will be a great loss to you." If the power of publication be taken from the House, the public must do without these useful documents. It is not a little singular, also, that the Honourable Member for Finsbury should have enlarged upon the necessity of the right of publication, while his seconder, the Honourable Member for Westminster, differs from him. One of them thought it all-important to the country, but the other says nothing about it; — one objects, not to the privilege, but to the mode of asserting it. I have hitherto abstained from saying anything on this question; but it has now become so momentous, that I can no longer refrain from stating my opinion at length. Honourable Members opposite have asked what was the course that Honourable Members on this side of the House would point out for the maintenance of these privileges? Now, what I would say on that head is this, — that if once the House disclaim being the judges of their own privileges, from that moment they concede the whole question. I have the highest respect for the courts of law, and also for the House of Lords, as a branch of the Legislature. But I beg to call attention to one case, which is in the knowledge of my Right Honourable and

Learned Friend opposite (the Member for Ripon), and I would ask, should we be justified in putting confidence in the decision of the House of Lords as a tribunal of appeal? I am quite willing to grant that the courts of law contain independent and upright judges; but does not the House recollect, and, above all, does not my Right Honourable and Learned Friend the Member for Ripon recollect that memorable case which occurred thirty-four years ago, in which the joint judgment of Lords Eldon and Ellenborough was reversed by the House of Lords; when the halt and the blind and the sick were brought down—when every species of influence, direct and indirect, was resorted to—for the purpose of rendering nugatory the wise, the legal decisions, of the two great men whose names I have mentioned? My Right Honourable and Learned Friend will also recollect with what indignation those eminent individuals walked out of the House of Lords, when they found that their opinions were to be overborne by numbers, and not by reason—when they saw that justice was to be trampled under foot, and that injustice was to triumph.

Now, having shown that even in the present century a case has occurred in which strong and overpowering motives have exercised influence over the Lords themselves, when sitting in their judicial capacity, may I not be permitted to suggest the possibility of a similar occasion occurring again? I regard the principle for which we are contending as something so sacred, that nothing should induce us to abandon its maintenance. If we submit a question of this kind to the judgment of the courts of law, we can never afterwards find any excuse for refusing to submit all other cases to similar tribunals. The House of Commons will then be no longer independent, and can no longer conscientiously discharge the duties which they owe to their constituents. To come, however, more immediately to the present question, an appeal has been made to the House by the Right Honourable Baronet the Member for Kent, to the effect that something ought to be conceded out of courtesy to the Members who sit on the same side of the House with him. I must profess my inability to understand the reasonableness of such an appeal. I ask, can the present be regarded as a question for the remission of punishment on the ground of the courtesy due from one side of the House to the other? Does any man in this House vote for sending the persons brought before us to Newgate from any other motive than the vindication of our privileges? The parties now in prison have not been sent there for any purpose but to maintain the privileges of the House of Commons; they were not sent to prison under the influence of any feeling of anger; that course has been merely resorted to, being considered as the most efficacious mode of asserting the rights which belong to this House. I shall certainly support the present motion, and I do so with a strong conviction that I could not continue to hold my seat in this House with credit to myself or advantage to my constituents if I ventured to pursue any other course. It appears to me most plainly that it is the only one which the House can follow; at all events I am prepared to pursue it, however great the hazard to myself. Whatever of character or of popularity I may happen to possess in the country, I am perfectly willing to stake it upon the result of the present proceedings. I would not say so much if I were not perfectly satisfied of the necessity of the measure. I should be as ready to yield as any man, if I felt that I ought to do so; but seeing that the path is clear before me,—that I have no alternative but to abandon those privileges which have been handed down to us by our ancestors, or the course I have chosen,—I am confirmed in the line which I have hitherto thought it my duty to follow. If the House of Commons clearly see, as I do, the necessity of maintaining their privileges, it would be pusillanimous, it would be cowardly, not to do so, especially in circumstances like the present. Upon these grounds I shall vote for the committal of Mr. Howard, junior. It appears to me beyond the possibility of question that that individual has been guilty of a breach of the privileges of this House as relates to the fifth action. There cannot be a shadow of doubt that he was cognisant of the cause of that action; and therefore I think the House ought on no account to reject the motion, but cordially and promptly to vote for its adoption.

SIR R. PEEL.—I feel it necessary to defend the Honourable Member for Westminster from the attack which the Honourable and Learned Gentleman has directed against him. The speech of the Honourable Member for Westminster I will not attempt to defend, but I think that the path he is pursuing is in conformity with the wiser one which he first indicated in seconding the motion of the Honourable Member for Finsbury; which he has not of course adopted with-

Now, Mr. Justice Patteson admits that this argument is well founded; but it is not only the judges of the Court of Queen's Bench, but any single man sitting in a borough court, and not dressed in quite so dignified a judicial garb as the judges of the Queen's Bench, may have our printer brought before him. He may refuse to admit our privilege, and may, for having obeyed our orders, punish our printer by imprisonment, if prosecuted criminally, or he may decree him to pay heavy damages, if defendant in a civil action.

Mr. SHAW. — A civil action could not be brought in the court of quarter sessions.

SIR R. PEEL. — On this point I may quote the opinion of Mr. Justice Littledale, who says, —

> If I am correct in my opinion, the same question which has arisen here may be agitated in any of the inferior courts, such, for instance, as the court of quarter sessions and the borough courts. This jurisdiction has resulted from the law; and if the law be so, there must be a right in these courts to entertain the question.

Now, have I overstated the fact? Here is the highest judicial authority stating that our printer is liable to question, not only in the superior courts in Westminster Hall, but also in the inferior courts; and can any one, for a moment, doubt that, if our printer is liable to be questioned in the inferior courts, and we do not at once and decisively vindicate our privileges, those privileges are practically abandoned, and must be considered for ever at an end? I must also beg that it may not be forgotten that all the highest legal authorities in the House are with us, and concur in declaring that, in substance, we are in the right. They object — and, I am satisfied, on conscientious grounds — to the particular mode of our proceeding; but not one of those Gentlemen, whose opinions are of the highest authority, has maintained that the judgment of the Queen's Bench was right. I allude to my Honourable Friends who sit on my left, the Right Honourable the Member for Ripon, the Honourable Member for Exeter, and the Honourable Member for Huntingdon. All these high authorities have distinctly declared that they consider the publication a privileged publication, and the decision of the Court of Queen's Bench to be erroneous. This must go forth to the public also: — that it is not only admitted that we possess this privilege, but we have it on the highest legal authority, that the decision of the Court of Queen's Bench was erroneous, and ought not to be maintained. They insist that we possess this privilege, and that the judges of the Queen's Bench ought to have supported that privilege. We rely, and have relied throughout, not on any exaggerated claim of privilege; and I certainly think that my Right Honourable Friend the Member for Ripon has departed from the candour and fairness with which he has argued this question throughout, by reviving the atrocities that have been committed, at former periods, by former Houses of Commons. I think that every mention of proceedings of this kind is calculated rather to increase than lessen any prejudice on the part of the public. I think that reviving the recollection of occurrences of this kind is rather calculated to raise a prejudice on the part of the public with respect to our proceedings. There may be some persons foolish enough to believe that because, two hundred years ago, some cruelties and atrocities were committed by former Parliaments, therefore there is danger that the present Parliament may do the same. Why, now, it would be equally as just for me to argue that, because, at former periods of our history, the Court of Queen's Bench gave extraordinary and tyrannical decisions, there is any danger that the Court of Queen's Bench of the present day would resort to similar proceedings. As an instance of those decisions, I may mention that it was held that, after the Session, a Member of Parliament was liable to be questioned in a court of law on account of any speech which he might have delivered in the course of that Session of Paliament. The Court of King's Bench, being asked to decide whether a Member could be tried for a speech he had made in Parliament, answered, that they were the judges of the lives, lands, and liberties of the Members, and that no outrageous speech had ever been made against a Minister of State by a Member of Parliament which had not been punished. On the same occasion Mr. Justice Jones gave a judgment, sentencing Sir John Eliot to a fine of 2000*l.*, Mr. Hollis to 1000 marks, and Mr. Allen to 500*l.* Now, nothing could be more unjust than that I should refer to such cases as this, and thus run the risk of raising an unfair impression on the public mind that there was any danger, now, of the recurrence of similar proceedings; but I think it equally unfair that the present House of Commons should be taunted with the proceedings of a House of Commons which sat 200 years ago.

Now, let us consider for a moment the question whether we are justified in maintaining this privilege, or not. If we claimed excessive privileges, there are plenty of Members who are sufficiently jealous of our privileges, and would be ready to curtail them, if they thought them excessive. But it would be wholly inconsistent on our parts, were we to shrink from maintaining a privilege essential to the due performance of our functions. I was about to state that I relied on the authority of judicial judgments of the highest authority, delivered at a recent period, to show that the House is in possession of this privilege. I may mention the case of "The King *v.* Wright," where five judges of the highest eminence went the whole length of maintaining that the House of Commons had the privilege of publication. They, in fact, went farther, but included the privilege. It was on a most important occasion, the trial of Horne Took, which was an action brought against a printer for the publication of a libel, contained in a Report of some proceedings of the House of Commons. I know there has been some special pleading with respect to that case. I know it has been contended that it was not in point, because the judges refused the criminal information only; but I have looked to the doctrines laid down on that occasion, and I ask, how is it possible for any man to doubt that the judges of the Queen's Bench, and at a recent period too, went the entire length of admitting our privileges? Lord Kenyon, in that case, declared,—

> The inquiry held by the House of Commons was an inquisition held by one branch of the Legislature to enable them to adopt further proceedings for the better regulation and better government of the country. It was communicated by the House of Commons to the House of Lords, and adopted by both Houses. The results of that inquiry are now *sub judice*. I am of opinion that the publication is not a libel, and that the rule for the criminal information should be discharged.

What said Mr. Justice Grose, and also Mr. Justice Lawrence, who held, likewise, an opinion similar to that delivered by Chief Justice Denman, on Saturday last,—that even the publication of trials in courts of justice could not be held to be a libel, inasmuch as the public have a right to know what passes in those courts. These judges said,—

> This is an information for a supposed libel; but the publication complained of is, in truth, an act of the Legislature while deliberating what was best for the safety of the country.

We have the judges declaring that newspapers, in publishing a trial, though it may contain matter offensive to an individual, do not commit a libel, because it contains matter which the public are interested in knowing; and, being reports of the proceedings held in a court of justice, the publication is held to be justifiable. Now, then, if the courts in Westminster Hall be justified in refusing to hear any complaint on account of the publication of their proceedings, why may not the House of Commons authorise their printer to publish their own proceedings? It is a great advantage to the public, that a large body of true accounts of our proceedings should be circulated amongst them; but I doubt this advantage, if no person can publish them without being liable to punishment. Now, I have already quoted to the House, judgments delivered by the judges some thirty or forty years ago, deciding in favour of the privilege of publication, not only where it was authorised, but even where it was unauthorised, and where it was the mere act of a printer for personal gain, and under the influence of motives of private speculation; and this was held—on the principle that the report was justifiable, because it contained matter with which it was for the interest of the public they should be acquainted. But the very same court which thus decided, thirty or forty years ago, now says to the House of Commons, in effect, "You shall not authorise your printer to tell the public that the prison of Newgate requires reform because obscene books have been found in it." Desiring to maintain the privilege of the House, I rely on the solemn decision of the Court of Queen's Bench, delivered at the time I have mentioned. But we are now told that every inferior court may order our agent before it, and hold him answerable for a charge of libel. This privilege, which we now claim to exercise, and which it is our duty to maintain, has been in our possession for upwards of two hundred years. It is a privilege for which Parliament struggled in times of difficulty and danger; and I own I cannot, without apprehension, see this privilege placed in the hands of the judges of the Court of Queen's Bench, who have already sufficiently shown a disposition to curtail our privileges. Hitherto, the course pursued has been, that the House of Lords and the House of Commons have equally vindicated their own privileges. When, against my advice, the House pleaded to the action, it was encouraged in the course which it took by the decision in "Burdett *v.* Abbott." Looking to what had been done in the case of "Burdett *v.* Abbott," and in the case of "the King *v.* Wright," there was a natural presumption that the judges of the Court of Queen's Bench would maintain the same doctrine which had been held by their predecessors. But subsequently the House found that the unanimous judgment of that Court was not only against the individual point, but against the full extent of the privilege we claimed. Was it safe, then, immediately to place the matter again at the decision of the judges? I am not sorry for the delay that has occurred. We are told, now, that the public feeling is against us; but this I very much doubt. The public feeling is of importance, if those who represent it will take the pains and trouble to inform themselves thoroughly upon this subject. It is impossible that any one can decide upon so difficult a question as this, by intuition. Now, we were told, last year, that the public opinion was, that the House of Commons ought to publish their proceedings, but that to publish them for sale was not to be defended. There was not one who ever asserted that it was not right for us to publish our proceedings for the use of Members of this House, while they objected to the sale. But, what has been the result of this discussion? It is now universally admitted, that sale constitutes no part of the question.——

Mr. HUME. — Hear, hear!

SIR ROBERT PEEL. — We are now discussing the question on its real merits, namely, whether the privilege of free publication is essential to the exercise of our legislative functions, and for the interests of the people. Suppose we had persevered in pleading, and had carried the case in error before the fifteen judges, and that they also had decided against us; we should then have manifested no desire to vindicate our privileges; and our next step would have been to carry the question before the House of Lords. If they also had decided against us, how many more of our privileges would have been endangered by that decision? The question might appear to turn on one single privilege; but the judgment would have shown that there was no privilege of which the House of Commons was possessed, that was not held by the precarious tenure of the sanction of the courts of law. We should have apparently given our acquiescence in the doctrine, that an extrinsic authority was to be the judge of our privileges. We have, however, taken a different course, — personally painful, no doubt, to all who have concurred in it, — namely, we have visited with a severe punishment persons not morally guilty. For this course we vindicate ourselves on the principle that we have no other mode of vindicating our privileges, except to make the ministerial officers accountable for the orders they have received from the court. The same hardship frequently occurs when a case of conflicting jurisdiction arises in the courts of law; for the innocent officer is the person punished. It is impossible, in fact, to take into consideration the moral conduct of individuals when the question arises of how we are to maintain our privileges; because there is not one of those privileges which we can maintain without some interference with our private feelings. Therefore, I consider that, whatever risk of temporary misconstruction we may run, as the question to be decided is the possession of every privilege not held under statutable sanction, or sustained by a long-continued series of legal adjudications, we have, at least, acted wisely in showing that we had the power of committing the ministerial officer in a case in which our privilege was infringed. At the same time, I must confess, that I very much doubt whether — if the courts of law will persevere in their present course — we have the power necessary for ulterior and effectual proceedings; but, having the power of commitment, I think we should preserve it, as a most important privilege. Having done so, if we do not then find it effectual, I shall not consider it unworthy of the House to take whatever further course may thereupon become necessary to make our powers full and complete. I think it is confessed that the present state of the law makes us powerless in the recess. I consider that a most inconvenient state of incompleteness; and, when I shall be asked to vote in the estimates a sum for the reimbursement of Mr. Hansard, I shall give that vote with great pain, and shall ask myself whether an alteration of the law be not necessary? I am fully aware of the danger of proceeding by enactment; but if I am told that we have no remedy during the Session, or during the recess, — no means of protection except by consuming the public time in defending ourselves, — then I shall consider that the time is come at which it will be perfectly consistent with my sense of duty, to attempt a solution of our difficulties by enactment; at the same time reserving to myself, in case that enactment should fail, the power which we are now exercising, to vindicate our own privileges.

Mr. WAKLEY. — Sir, my Honourable Colleague, in introducing his motion, asked what this House has been investigating since the commencement of the Session? I should like to ask the Honourable Member if, after the speech we have just heard from the Right Honourable Baronet the Member for Tamworth, he thinks it necessary to repeat his question? In point of fact, the House of Commons never met for the discussion of a more important question; nor, in my opinion, has a question ever been discussed with more patience and forbearance.

Honourable Gentlemen opposite may be disposed to question the propriety of this remark; but let them reflect on what has been their own conduct. Night after night they have dared this side of the House to attack the judges, or the counsel, or the jury. I would ask, can such taunts be approved of? can they facilitate a fair solution of the question? I contend that the House acts not from any vindictive feeling, but from the conviction of the urgency of the case. My Honourable Colleague has submitted a motion to the House, which has been dissected by the Right Honourable Baronet in such a manner as to make my Honourable Colleague sufficiently ashamed of his offspring to consent to its burial, without further funeral ceremony. Both my Honourable Colleague and the Honourable Member for Westminster seem to think that public opinion is with them. I have been marvelling, since the addresses of those Honourable Members, where they can have lately been, or with what sort of society they have lately associated; because I, whose occupations have led me to the very borders of the county, have found the people everywhere of one mind, and that is—to encourage the House to support its privileges. "Above all things," the people say, "do not go to the House of Lords." I am ashamed to hear any popular representative make such a proposal. I regret that my Honourable Colleague should make such a proposal. I would ask Honourable Gentlemen opposite, who resist the opinion of the majority, what course would they take? Will they call the judges to the bar? If they would support that motion, I will make it; because I am of opinion that the judges ought to be brought to the bar. I can tell the Right Honourable Baronet the Member for Tamworth, that his conduct, on this question, has made him the most popular man in the House, for that all parties are unanimous in his praise; and if Honourable Gentlemen opposite do not approve of the course pursued by the Right Honourable Baronet, what course would they, themselves, suggest? Are we to give up the persons who have violated our privileges? The Right Honourable Baronet has shown that the judges will not maintain our privileges; that not only will they not protect them, but they will question them on every opportunity. The House has already punished some of the offenders. Some may think that that punishment has been too great. For my part, I am not at all surprised that one of the sheriffs has applied for its remission, on account of his being threatened with a certain malady. Night after night as I came through the passage, I observed a constant bustle, and on inquiring the cause was universally answered by the exclamation, "Make way there! — dinner for the sheriffs!" Every evening that has been the cry in the lobby. In fact, I believe that all Mr. Bellamy's cooks have been put in requisition to feed the sheriffs. The sheriffs first overfed themselves, and then petitioned to be let out to recover. This is not the proper course for the maintenance of our privileges. The sheriffs should be put on low diet: it would be true humanity to feed them so. It is not right that men who have violated our privileges should be allowed to make themselves apoplectic at the expense of the liberties of the people.

[Loud cries of "Oh, oh, oh!"]

Such punishment should be inflicted as would prevent a repetition of the offence, and would secure the rights for which the House contends.

Mr. SHAW. — I wish merely to explain why I interrupted my Right Honourable Friend. My object was merely to remind him that a court of quarter session could not try a civil action. I would propose to the Honourable Member opposite to withdraw his amendment, as one calculated only to embarrass the real question. Presuming, for a moment, that the Honourable Member will adopt my suggestion, I would entreat the House to consider what it is now about to do. Are we not about to commit an act of positive cruelty in sending this young man to prison, merely because he has obeyed his father? This is the real state of the case; and, I would ask, is it not likely that the sympathies of the public will be enlisted against our privileges, if we persist in this committal? I have lately had opportunities of ascertaining the public feeling, and I differ completely from the Honourable Member for Finsbury, as to the bent of that opinion. I am convinced that public opinion runs decidedly in favour of the judges.

Mr. PRYME. — There seems to be some misunderstanding as to the case of the younger Mr. Howard. The facts of the case are these: — Mr. Hansard presented a petition, stating that he had received notice of a new trial. That petition was ordered to be taken into consideration on the Monday following. On that occasion, Mr. Hansard was examined; and it appeared from his evidence, that since the committal to gaol of the elder Mr. Howard, his son had been carrying on his business; and, accordingly, Mr. Howard was ordered to attend at the bar. He did attend, and pleaded guilty to the charge of contempt of our privileges. I submit, then, that he is fairly liable to committal. The Right Honourable Member for Dublin University has contended that the son should not be punished for obeying the commands of his father. I would ask the Right Honourable Gentleman whether he would, in the court over which he presides with so much credit to himself, admit as a defence for a culprit the assertion that he had acted under the direction of his father, who was in prison? The fact is, that our only course is, to attack the instrument; and if we admit the defence, that persons were acting under orders, our committals will completely fail of their object.

SIR E. SUGDEN. — I think that the younger Howard cannot be committed on the testimony he has given. The resolutions of last night will prove to Honourable Members that the young man had nothing to do with the action to which those resolutions referred. I think that the young man has completely cleared himself of any participation in the fifth action — the action for which he was cited to the bar. For this reason it would be an act of injustice to punish him.

Mr. FRESHFIELD. — I am quite surprised to find the House called on to discuss the question of privilege on this particular occasion. I did not expect to hear the speech of the Honourable and Learned Member for Exeter, delivered on this day week, answered on the present occasion, when the Honourable and Learned Member has no opportunity of reply. Neither did I expect to hear the privilege defended on the merits of a particular publication. It is most unfortunate, in my opinion, that we should be led away from the general principle to the incidents of a particular transaction. I, for one, think that our privilege of publication might be preserved without publishing unnecessary libels. Even if obscene books have been found in Newgate, this House has no right to inflict a punishment on Mr. Stockdale. If Mr. Stockdale acted wrongly, the courts were open for his punishment. The whole argument I would urge is, that, although it may be necessary that we should inform the public of our proceedings, it is not necessary that we should do it in such a manner as to give to individuals just cause of complaint. I can adduce an instance in which publication was unnecessarily injurious. An individual was examined respecting the present state of New Zealand. His evidence was not satisfactory, nor was it ever intended to legislate on it. However, another person declared that he would not believe the witness on his oath. I maintain, that in this case the publication was neither just nor necessary. The Right Honourable Judge opposite adduced, as an instance of the uncertainty of a just decision, one drawn from the House of Lords, in the case of Lords Eldon and Ellenborough being overborne in that assembly. Now, I think that a more unfortunate illustration could not have been chosen. Is it because, in one large assembly, the law of the land has been overruled, that we should expect justice in a larger and more popular assembly? The Right Honourable Member for Tamworth found great fault with the Court of Queen's Bench for their decision; but he should remember that the House pleaded to the action; that we courted the decision of the court; and that, if we had proceeded regularly, we should have had the opinion of the fifteen judges, and, ultimately, of the House of Lords. If you thought the judges wrong, why not try an appeal, when the judges would be set right, if they had been in error? On the subject of the particular question before the House, I would say, that we might stop the administration of justice generally, but we cannot stop the progress of particular actions. The plaintiff will always be one step in advance; and, although we may commit men and women, or even the judges, the action will still go on.

Mr. GOULBURN. — I do not rise to make any remarks upon the motion of the Honourable Member for Finsbury, but merely to satisfy the House upon what has been said by the Right Honourable and Learned Gentleman the Member for Ripon. If I understood the objection of my Right Honourable Friend, it was, that young Mr. Howard has now been summoned before the House with respect to the fifth action, whereas we are about to punish him with respect to the fourth action. Now, I confess, I do not attach any very great weight to that objection, as I consider that the question before the House is, has a breach of privilege been committed, or not? When Mr. Hansard was before the House, the other day, he said he had been served with two notices; one by Mr. Pearce, the other by Mr. Howard, junior. The House has summoned these persons before it, and Pearce does not appear; but Howard, junior, appears, and says he has further served the notice in the fourth action.

SIR E. SUGDEN. — No!

Mr. GOULBURN. — I, at least, so understood him at the bar; and if so, he has been guilty of a breach of privilege.

SIR E. SUGDEN. — I do not conceive that Howard made any such statement as this to the House.

[Cries of "Spoke, spoke!" amid which the Right Honourable Gentleman resumed his seat.]

Mr. O'CONNELL. — The witness, in my opinion, made, most strongly, the statement just repeated by the Right Honourable Member for the University of Cambridge.

Mr. WYNN. — I care not for what breach of privilege this young man has been summoned to the bar; still the complaint is, that he has committed a breach of privilege. Suppose a Member rises in his place and complained of a distinct breach of privilege, and the party was called to the bar; if it should appear that he had been guilty of any other breach of privilege, he might equally be committed for the contempt. Mr. Howard is now in attendance, and any charge of a breach of our privileges that any Honourable Member may have to bring forward against him, may be brought forward unquestionably. I shall not, therefore, go into the question further than to say that Mr. Howard has admitted that he has been guilty of a breach of privilege.

Mr. LAW. — The evidence of Mr. Hansard says that the writ was served by a person who represented himself to be named Pearce, and a clerk of Mr. Howard. The charge against young Howard is, that he has been instrumental in serving the writ; whereas it appears, from the evidence on which you are acting, that it was not the person now summoned to the bar, but Mr. Pearce, who served it. You have found it impossible to restrain these actions by the commitment of the father, and the House is now proceeding with this unnecessary severity against his son and clerk, a young man nineteen years of age, because he was instrumental in serving the writ of inquiry; whereas your own witness says he was not the party who took the step, but a clerk, not forthcoming, named Pearce. That may solve the difficulty as to the non-appearance of Mr. Pearce.

[Laughter, and cries of "Mr. Pearce is here!"]

The Gentleman who laughs may be in the confidence of Mr. Pearce. I, however, am not.

[Cries of "Divide!"]

It is very well for Gentlemen who have come down to the House to decide without hearing one word of the evidence, to cry "Divide!" I am pressed to divide; and when I consider the time has arrived for doing so, I will divide; but, till then, I will not, in the few observations I have to make, be deterred from my duty by the cries of a majority, who are not content to carry their object, but who wish to put an end to discussion. It appears to me to be most unjust, on the part of this House, to adjudicate upon a breach of privilege by the younger Howard, when it is admitted that it was committed by another person. Two parties are summoned here to-night, and it is evident that the one which has appeared is not the one pointed at by Mr. Hansard, as having served the notice on him. If Mr. Hansard is mistaken, then his evidence falls to the ground; because it is clear that he speaks of a person, who, it appears, is called Pearce, and not Howard, the name of the party now in attendance. I cannot suppose, then, that this House, if it fail in the real object of its inquiry, will proceed with something else which belongs altogether to another case — and say that, its power not having been sufficient to restrain the father as to the present proceedings, it will go against the son for his share in others. I contend that, under these circumstances, your present proceedings are wholly irrelevant to the case before you. The witness says that, as to the fourth action, it is true that he took proceedings in it; but that the person who served the writ of inquiry was Mr. Pearce. Surely, then, you do not mean to visit the agent with your displeasure when you have committed the principal; or the son, when the father is in confinement? Such a step will not fail to throw ridicule on the proceedings of this House in the eyes of the country.

Mr. SANFORD. — This young man has unequivocally declared that he has done that which is a breach of the privileges of this House; and, when he was asked if he had taken any proceedings in the third action, his answer was, "I have done a great deal in the fourth action." He was then asked, "The action on account of which your father is in confinement?"—Answer, "Yes." Under these circumstances, it is evident that this young man, knowing that his father was in confinement for a breach of the privileges of the House, has aided in carrying on the action, and has therefore been guilty of a contempt of the privileges of the House.

SIR EDWARD KNATCHBULL.—I do not think that we are sufficiently informed as to what this young man has done, and I am rather of opinion that my Right Honourable Friend the Member for the University of Cambridge misunderstood the Right Honourable Member for Ripon, and that that Right Honourable Gentleman's impression of what Howard said was the right one. With respect, too, to the terms of the resolution of the Noble Lord now before the House, it does not explain, with anything like sufficiently definite accuracy, the breach of privilege therein stated to have been committed.

LORD JOHN RUSSELL.—It seems to me that all these several actions are part of one and the same proceeding; and, with regard to one of them, it was resolved, yesterday, that being in any way concerned in bringing, or aiding in bringing, that action, is a gross breach of the privileges of this House.

[Cries of "Which?"]

The action for which the jury has been summoned for the 20th of February. As I have just said, these proceedings are, in my opinion, all intended to defeat the privileges of this House. It appears that the younger Mr. Howard, having been clerk to his father for three years, has been the instrument of bringing these actions one after another; and that Mr. Howard, though in custody, still employs the clerks in his office to defeat our privileges. There can be no doubt that the younger Mr. Howard acted knowingly; and as for the remark, that he was not brought to the bar for the breach of privilege for which it is proposed to commit him, I do not see, unless the Right Honourable Baronet opposite can maintain that no man at our bar is to plead guilty to a breach of privilege, that this House can avoid committing any individual who shall acknowledge himself guilty of such a breach.

MR. SPEAKER.—It has been moved "That Thomas Howard, junior, having been concerned in conducting the action of Stockdale against Messrs. Hansard, after the prosecution of the said action had been resolved by this House to be a breach of their privileges, has been guilty of a contempt and a breach of the privileges of this House." To which an amendment has been proposed, "To leave out from the word 'That' to the end of the question, in order to add the words 'the privileges of Parliament are intended solely for the benefit of the community at large; and, as the power of publishing such of its Reports, Votes, and Proceedings as shall be deemed necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, it is expedient that a joint Committee of both Houses of Parliament should be appointed for the purpose of considering the best mode of securing to each branch of the Legislature the free exercise of a power so important to the public welfare,' instead thereof." The question I now put is, "That the words proposed to be left out stand part of the question."

The House then divided; when the numbers were—Ayes 137, Noes 37; Majority 100.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, Major
Baines, E.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bulwer, Sir L.
Busfeild, W.
Butler, Hon. Colonel
Campbell, Sir J.
Clay, W.
Collins, W.
Corbally, M. E.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, Hon. J. E.
Evans, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, Rt. Hn. H.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Hall, Sir B.
Handley, H.
Harcourt, G. G.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, F. J.
Howick, Lord Visct.
Hume, J.
Humphery, J.
James, W.
Langdale, Hon. C.
Loch, J.
Lushington, Rt. Hn. S.

Lynch, A. H.
Macaulay, Right Hon. T. B.
Macleod, R.
Melgund, Lord Visct.
Miles, W.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Conor Don
Ord, W.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinney, W.
Pryme, G.
Rich, H.
Rickford, W.
Roche, W.
Russell, Lord J.
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Smith, B.
Somers, J. P.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, Right Hon. Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Wynn, Rt. Hon. C. W.
Wyse, T.
Yates, J. A.

Tellers.

Maule, Hon. Fox
Parker, J. (Sheff.)

NOES.

Alsager, Captain
Attwood, W.
Broadley, H.
Bruges, W. H. L.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
Duke, Sir J.
Duncombe, T.
Fitzroy, Hon. H.
Goring, H. D.
Grimsditch, T.
Henniker, Lord
Holmes, Hon. W. A'Court
Hotham, Lord
Ingestre, Lord Visct.
Knatchbull, Rt. Hon. Sir E.
Law, Hon. C. E.
Leader, J. T.
Lygon, Hon. General
Packe, C. W.
Pakington, J. S.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Richards, R.
Round, C. G.
Round, J.
Shaw, Rt. Hon. F.
Smyth, Sir G. H.
Somerset, Lord G.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Talfourd, Mr. Serjeant
Wood, Sir M.
Wood, Colonel T.

Tellers.

Godson, R.
Kelly, F.

The ATTORNEY GENERAL. — I have now to move, Sir, that Thomas Howard, junior, having been guilty of a contempt and a breach of the privileges of this House, be for his said offence committed to the custody of the Sergeant-at-Arms attending this House; and that Mr. Speaker do issue his warrant accordingly.

SIR E. SUGDEN. — I cannot see, Sir, what specific act this young man has committed which should subject him to imprisonment. For anything that appears to the contrary, it may be said that young Howard has merely copied certain papers in his father's office. I shall give this motion a direct negative.

Mr. O'CONNELL. — I should wish to give this young man an opportunity of expressing his regret for the course he has pursued, and his determination not to persevere in it. I feel that it would be desirable to escape from the necessity of committing him; and as the House put it not only to the sheriffs, but also to Stockdale and Howard the father, before committal, whether they had any statement to make or explanation to offer, I beg to suggest that the young man be called in; and if, after the resolution of the House shall have been read to him, he shall declare his readiness to abandon all proceedings in breach of the privileges of the House in future, he may then be reprimanded and discharged; but if, on the contrary, he shall express his intention of persevering, in that case I will vote for his committal. I am disposed to move, by way of amendment, that ——

LORD J. RUSSELL. — Before the Honourable and Learned Member moves an amendment, I would beg to remind him that the House has already decided that this person has been guilty of a breach of privilege; and to move an amendment of this kind now, would interrupt the natural course of proceeding in such cases. With regard to the proposition to call in Mr. Howard, junior, I cannot forget that in the case of another individual who was so called in with regard to a breach of privilege committed by him, that person gave an assurance of the kind suggested by the Honourable and Learned Gentleman, and that the next day there appeared a letter in the newspapers revoking that pledge. I think, therefore, that the natural and better course is, that this person should be committed to custody, and then he will have an opportunity of petitioning the House, if he choose to do so, and of distinctly stating what he proposes to do, in deference to the privileges of the House. I do not think that any verbal assurances of the kind could now be accepted as sufficient.

[Cries of "Hear, hear!"]

Mr. SHAW. — I rise, Sir, to protest against the course proposed to be adopted with regard to this young man.

Mr. FITZROY KELLY. — I must express my concurrence in the opinion of the Right Honourable Gentleman the Member for Ripon that the Attorney General and the Noble Lord opposite ought to be called upon to state what is the real breach of privilege which this young man has committed.

[Cries of "Oh, oh!"]

I was not here at the commencement of this discussion; but I must say that it is with extreme regret I find that that which would not be allowed in a court of justice should, when proposed in this House, be received with cheers; and that a person should be committed without any declaration being stated as to what he is committed for. I have in vain endeavoured, since I entered the House, to understand what act has been done by this young man for which he is now to be committed.

[Cries of "Oh, oh!"]

And I hope I shall not be overpowered by clamour, but that it will be honestly stated, in plain terms, what offence this person has been guilty of? The words of the motion appear to me so vague, indefinite, and indeterminate, that I confess I cannot understand them; and I do hope that the Learned Attorney General will inform the House what the real offence is that is the cause of this committal.

Mr. SPEAKER. — It has been moved "That Thomas Howard, junior, having been guilty of a contempt and a breach of privileges of this House, be for his said offence committed to the custody of the Sergeant-at-Arms attending this House; and that Mr. Speaker do issue his warrant accordingly." To which a direct negative has been proposed by way of amendment. The question now is, "That the original motion be agreed to."

The House then divided: — Ayes 134, Noes 41; Majority 93.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, Major
Baines, E.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Bricoe, J. I.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Collins, W.
Corbally, M. E.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, Hon. J. E.
Evans, W.
Ewart, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, Rt. Hn. H.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Hall, Sir B.
Handley, H.
Harcourt, G. G.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, F. J.
Howick, Lord Visct.
Hume, J.
Humphery, J.
James, W.
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Macleod, R.
Melgund, Lord Vict.
Miles, W.
Morris, D.
Muskett, G. A.
O Brien, S. W.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Conor Don
Ord, W.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinney, W.
Pryme, G.
Rich, H.
Rickford, W.
Roche, W.
Russell, Lord J.
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Sinclair, Sir G.
Smith, B.
Somers, J. P.
Stansfield, W. R. C.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tuffnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, Right Hon. Sir R. H.
Waddington, H. S.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.
Wynn, Rt. Hon. C. W.
Wyse, T.
Yates, J. A.

Tellers.

Maule, Hon. Fox
Steuart, R.

NOES.

Alsager, Captain
Attwood, W.
Broadley, H.
Bruges, W. H. L.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
Dowdeswell, W.
Duke, Sir J.
Fitzroy, Hon. H.
Gladstone, W. E.
Goring, H. D.
Grimsditch, T.
Henniker, Lord
Holmes, Hon. W. A'Court
Hotham, Lord
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Knatchbull, Rt. Hon. Sir E.
Law, Hon. C. E.
Leader, J. T.
Lygon, Hon. General
Packe, C. W.
Pakington, J. S.
Plumptre, J. P.

Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Shaw, Rt. Hon. F.
Smyth, Sir G. H.
Somerset, Lord G.
Style, Sir C.
Sugden, Rt. Hon. Sir E.
Talfourd, Mr. Serjeant
Vivian, J. E.
Wood, Sir M.

Tellers.
Godson, R.
Kelly, F.

It was here announced that Mr. Pearce, the clerk of Mr. Howard, senior, was in attendance; and he was called, and examined as follows: —

Mr. SPEAKER.—What is your name? —Thomas George Johnstone Pearce.

What are you?—Clerk to Mr. Howard, of 7. Norfolk Street, Strand.

Have you served a writ of inquiry upon the Messrs. Hansard? — Not the writ, but the notice of the writ.

In what action? — I believe in the two last actions.

Do you know what was the cause of those actions? — I believe they were actions for libel.

The SOLICITOR GENERAL. — Did you know, at the time, that Mr. Stockdale had been committed for a breach of privilege in bringing these actions? — I did.

And you have since conducted proceedings in these actions? — I have.

Did you engross the writs of inquiry? — I did not; I only served the notices of the writs.

Mr. LAW. — Did you know, at the same time, that the Court of Queen's Bench had held that these actions were maintainable? — I did.

Did you know that damages had been recovered in a similar action on the same grounds? — I did.

The SOLICITOR GENERAL. — Did you also know that this House had declared the judgment of the Court of Queen's Bench a breach of its privileges? — I did.

[Mr. Law having objected to this question, Mr. Pearce was ordered to withdraw; when the Solicitor General consented to withdraw the question, and Mr. Pearce was recalled.]

Mr. GODSON. — How long have you been in the service of Mr. Howard? — Two years.

Are you an articled clerk, or merely a copying clerk? — A copying clerk only.

What wages do you receive per week?

Mr. Pearce was here ordered to withdraw.

Mr. HUME. — I must object to this question, as having no connection with our proceedings. The Honourable and Learned Member might just as well ask how much bread Mr. Pearce eats.

[Laughter.]

Mr. GODSON. — The Honourable Member has quite misunderstood the import and intention of this question, which does, in fact, relate to how much bread this gentleman may eat.

[Cries of "Hear, hear!"]

This gentleman may have a family to support; and I wish to know what is to become of those who may be dependent on him for support, provided he shall be committed?

[Cries of "Oh, oh!"]

I have heard much of the courtesy of the majority to the minority during these proceedings; but it is not very apparent on the present occasion; and I can only say, that I will take the sense of the House on the propriety of this question being put. I asked the question, knowing that Mr. Pearce was a mere copying clerk, with no more, perhaps, than some few shillings a-week; and I wish to see whether this House will so far degrade itself as to visit a man in so humble a situation with its vengeance.

Mr. HUME.—I will, at once, withdraw my objection to the question.

SIR E. SUGDEN. — I think the question should be put, with this qualification, — that Mr. Pearce be informed that he need not answer it unless he chooses.

Mr. Pearce was then recalled.

Mr. GODSON. — What wages do you get? —I had rather not answer that question.

Mr. O'CONNELL. — Have you served the notice of the writ of inquiry on Messrs. Hansard in the present instance? — I have; by Mr. Howard's direction.

Who performs the duties of the office

in Mr. Howard's absence?—Mr. Howard's son acts for his father in his absence.

When were you there last? — I have been there subsequently to the proceedings in the present action.

How many clerks are there? Who is the conducting clerk? — Mr. Howard's son and myself do the entire business of the office during Mr. Howard's absence.

Mr. LAW. — Have you any other employment? — None.

Would you be liable to be dismissed if you were to refuse to do what Mr. Howard directed you? — At a moment's notice.

Have you any family? — Yes; I have a wife and son. I was not bred to the law, but have been a military man all my life; and have learned never to break the law, or disobey my orders.

And your family have no means of support if you are imprisoned on this charge? — None. Imprisonment would be my ruin, and theirs also. I beg to tell the House that my wife is allied to some of the oldest nobility, some of the first nobility in this country — I may say the very first and oldest in this country,—a family the patent of whose nobility is as early as 1616. She is the daughter of the Honourable Philip Roper, and is first cousin to Lord Teynham ——

[Laughter.]

And as she is an outcast from her family for having been so imprudent as to marry a soldier ——

[Renewed laughter.]

— she would be totally destitute if she had not me to provide a subsistence for her.

Mr. S. O'BRIEN. — I should wish the following question to be put to the witness: — Is the House to understand that if Mr. Howard were to desire you to do anything, in future, contrary to the privileges of this House, you would do it?

LORD VISCOUNT MAHON. — I object to that question.

Mr. Pearce was ordered to withdraw.

Mr. S. O'BRIEN. — I merely wish to give the witness an opportunity of exculpating himself. He appears to have acted as a mere clerk; and I think that, so far as this person is concerned, the privileges of the House would be sufficiently vindicated by his answering this question in a satisfactory manner.

LORD VISCOUNT HOWICK. — It does not appear to me to be just to ask any question with reference to the future; and I think — although I am sure that the Honourable Member for Limerick wishes to put this question from motives of clemency and indulgence to the witness — that it is a question which may tend to involve him in a further breach of privilege.

Mr. S. O'BRIEN. — I will, under these circumstances, withdraw the question.

Mr. WOLVERLEY ATTWOOD. — I merely rise to express my disapprobation of these frequent interruptions of the course of the examinations of these witnesses.

The SOLICITOR GENERAL.—I have now to move, Sir, that Thomas George Johnstone Pearce, having been concerned in conducting the action of Stockdale against Hansard, after the prosecution of the said action had been resolved by this House to be a breach of their privileges, has been guilty of a contempt and a breach of the privileges of this House.

The question having been put, —

SIR EDWARD SUGDEN said: — There is some satisfaction, Sir, connected with this motion, — namely, that the House cannot go lower than it has now done, and cannot be called upon to commit any other person under more painful circumstances, as this man tells you that he has a wife and family dependent upon him for support. If this House will commit a man under these circumstances, then I can say no more for the sense of justice which governs this House. This person has been, the greater part of his life, in the army; and though, for the last two years, he may have been in an attorney's office, yet he cannot be supposed to know much of law. Though this, I am aware, is no excuse for him, yet it may surely be pleaded as some apology for his conduct. He has done nothing but act as a mere common clerk; and if the House is to go on committing such persons as this to prison, our rooms will very soon be found too small to contain the number. I repeat, Sir, that this House has never been called upon to commit any man under more painful circumstances.

LORD MAHON. — I will venture to ask, Sir, how much further this House will go? To what further depths of degradation is it willing to sink? What hope does the Attorney General hold out of our coming to a safe or honourable issue? I would entreat the House to remember that in all former cases of privilege, public sympathy has been in favour of Parliament; but this House is acting, at present, in the very face of public opinion.

[Cries of "No, no!"]

Honourable Members say "No!" but I would ask, do not the correspondents of Honourable Gentlemen opposite confirm my opinion?

[Renewed cries of "No!"]

Well, I can answer for my own having done so. These proceedings fully confirm what we have heard in the early part of this evening from the Honourable Member for Westminster; and in the opinion that Honourable Member expressed, I wholly concur; for, feeling that this question interferes with the laws and liberties of my country, I have taken an opportunity of conversing upon it with various persons, of every party, of every profession, of almost every walk in life; and I can solemnly declare that, with the exception of Members of this House, and of their relations, I can scarcely remember two out of several hundreds I have spoken to, who approve of the violent and vindictive course which we have taken. And let us distinctly understand what is the question before us. The question is not, whether we shall publish our proceedings, — I concede our right to do that, and am in favour of it; I wish this House to give the fullest and fairest publication of its proceedings, in the same manner as it did before the question of sale was agreed to, on the 13th of August, 1835; — but the question is, what our privileges are? The Noble Lord opposite said he would confirm them by a declaratory Act; but he has subsequently retired from his promise in that respect, and now substitutes these vindictive proceedings in its stead.

I deeply regret that the Noble Lord has shrunk from following up his announcement as to a declaratory Act, since, by our present proceedings, we are setting up privilege above the law of the land. That is the real practical question before us; and I have entreated the House, over and over again, to reflect whether it was prepared to adhere to the rash and ill-considered resolutions which were passed in 1837, which stated that in no possible case would we allow a court of law to take cognisance of our privileges. I feel called upon to remind the House of the arguments which were pressed upon it by the Honourable and Learned Member for Exeter, — arguments to which I listened with great attention, and to which I had hoped to have heard an answer given by the Learned Solicitor General; but he abstained from doing so. The Honourable and Learned Member for Exeter's argument was this: "Suppose, for instance, that a murder were committed in the execution of a warrant of this House, how could you prevent a court of law from taking cognisance of that?" By the resolutions of 1837, you claim to be the sole judges in your own case, and I ask you if you can possibly maintain such a claim in these days? I entreat the House to consider how much the present course of proceeding is likely to add to our difficulties. The Noble Lord, on a preceding evening, quoted the opinion of Lord Denman. I do not stand up for the judgment which Lord Denman pronounced; but I do say this, that the true way of vindicating our privileges is — not by plunging deeper into this series of commitments, but — by framing a legislative measure. If the Noble Lord will bring forward a measure of that kind, I will apply myself to it with an earnest desire to put an end to our present difficulties; and I can assure the Noble Lord that there will be no reluctance on our parts to consider such measures with a view to a conciliatory settlement of the question. But if we are called upon, night after night, to proceed with vindictive severity, I shall give my decided opposition to that course of proceeding.

LORD J. RUSSELL. — Sir, it has been observed by the Right Honourable Baronet the Member for Tamworth, that statements, which have been over and over again contradicted, in the course of the debates on this question of privilege, are nevertheless again and again brought before the House; and the Noble Lord who has just resumed his seat has made more than one remark which is an instance of the truth of this assertion. The Noble Lord seems to think that if we were to go back to the situation we were in previous to the year 1835, we should be perfectly secure. But the judges of the Queen's Bench have laid down a totally opposite doctrine; they do not say that it is on account of their sale or their publication, in a shop, that you are not entitled to publish these proceedings, but that any publication is a libel for which the party publishing may be proceeded against. Now I will illustrate the effect of this decision by an event which has occurred this very day. The Right Honourable Baronet the Member for Pembroke asked me, in the course of the evening, a question respecting the transfer of Hill Coolies to the Mauritius, and about certain papers containing facts and statements on the subject. Those papers I am about to lay on the table, after having examined them, with a view to the introduction of certain clauses in a Bill now on the table. They refer to the general treatment of the Hill Coolies by their masters and employers, and by the captains of ships and agents who were employed in conveying them from India. I was asked whether I thought that a very cautious extract from those papers would be sufficient for publication, or whether they should contain all the particulars, even although they might contain charges against individuals. My direction was, that a full and complete statement should be made out at the Colonial Office respecting those persons, because I should not, otherwise, be giving the House a fair case or opportunity for saying "Ay" or "No" on the Bill, when it comes before them. But do I say that those papers do not criminate individuals? Far from it. I will not say that there may not be in them some statements exceedingly disagreeable to individuals. What would be the consequence? Revoke, if you please, your resolution of sale; but if the Right Honourable Baronet the Member for Pembroke, having these papers in his possession, should send them to some persons in the country, in order to ascertain their opinion as to the facts, and as to what manner he should proceed in, when the Bill might come before the House,—that, according to the decision of the Court of Queen's Bench, would be a publication; and the Right Honourable Baronet the Member for Pembroke, who had communicated these documents with the conscientious intention of forming a fair opinion, would render both himself and the person to whom he had applied liable to actions and indictments for libel. So little is the Noble Lord, who has given more attention than most Members to the subject, aware of the real position of the House! The Noble Lord agrees with me in opinion, that the privilege of publication is necessary; and I therefore ask, how are we to assert it? The Noble Lord has said that I have receded from my intention to introduce a declaratory Bill? My declaration was, that although our powers are very extensive, the assertion of our privileges might be attended with such public inconvenience as to render a declaratory Act necessary for the general benefit of the country. My opinion in that respect has not been changed; but I am determined to preserve, in any manner I can, the privileges of this House; and, without receding from my former opinion, I must say that I have not any reason to suppose that a declaratory Act is likely to be passed in the manner I then supposed. The Right Honourable Baronet the Member for Tamworth suggested that a Bill might be brought into the House of Lords by the Lord Chancellor. I find, on consideration, and on weighing all the information which I have received, that there are various objections to that course. I am determined, if I adopt the course of a declaratory Bill, to do so with the greatest possible consideration, and to give it the best chance of success. I will not allow our privileges to be further weakened by the course which I wish to adopt for the purpose of securing their not being acquiesced in elsewhere. Therefore, while I am still favourable to a declaratory Bill, and would certainly propose it if I saw a fair chance of carrying it without injury to our privileges, I must tell the Noble Lord that, in the present state of the question, a declaratory Bill being an uncertain mode of proceeding (inasmuch as I do not know how it might be received by persons of great weight and authority in the House of Lords), I am not prepared to say that the ancient mode of vindicating our privileges by commitment should be abandoned. We were told, at the commencement of these proceedings, that our resolutions would be mere waste paper, unless we acted on them against all parties, and would only serve to expose us to the contempt of the whole world. But it must be clear that the House has the power of discriminating between the cases of various individuals. When the case before us, however, is that of a person who has made it his trade — at any rate, the main object of his profession — to bring a series of actions, one after the other, for the purpose of calling our privileges in question, if we were not to proceed in our resolution, the contempt to which we have been told we should expose ourselves would justly be incurred. I may be told, and told with great truth, that it is a disagreeable proceeding to commit persons in the low and unhappy condition of the person who has lately been examined at the bar. But I must say that the person chiefly to blame is the attorney who employed this man to commit an offence against our privileges. Mr.

Howard has some power over this man, which is tantamount to the authority of a master. He ought not to employ that power to oblige any person employed under him to disobey the law; and it is not the fault of this House if our privileges are violated in this manner. I am quite certain that no servant or day labourer would be excused for an illegal act by any court in the kingdom, merely because he was employed by his master to do it. If none of the small courts would act in this manner, I am equally sure that the Court of Queen's Bench and the Court of Chancery would not. We have often been told that we are bringing ourselves into public odium by these proceedings. If any mode of settling the question can be pointed out, I shall most readily consider it, because I am convinced that great public inconvenience is caused by the long-continued discussions in this House. But I am quite satisfied, that if you now declare you have no power to commit, you will not only fail in your present proceeding, but will never again obtain a recognition of your privileges.

Mr. GORING. — The question before us is this — whether or not the individual who has been examined at the bar is guilty of a breach of the privileges of the House. I confess, after hearing the evidence, that I cannot come to that conclusion. I perfectly agree with the Noble Lord, that if any person is to be blamed, it is the attorney; and I therefore think that if we vote this person guilty of a breach of privilege, we shall be stultifying ourselves.

Mr. INGHAM. — Sir, perhaps the House will excuse me for a few moments whilst I endeavour to correct the misunderstanding into which the Noble Lord opposite (Lord John Russell) seems to have fallen, with respect to the effect of the judgment of the Court of Queen's Bench. The case put by the Noble Lord was this, — that if the Right Honourable Baronet the Member for Pembroke were to send into the country the papers to which he alluded, he would be deemed guilty of a libel by the Court of Queen's Bench. I believe that would not be the case. I perfectly agree with the Noble Lord the Member for Hertford, that if you were to rescind the resolution for the sale of papers, you would get rid of all the difficulties of the case. The Noble Lord opposite said that it would be monstrous to consider a person guilty of libel for communicating these papers to his constituents. The Court of Queen's Bench never gave any such decision as that.

[Cries of "Oh, oh!"]

I contend that it never did. The judgment of Mr. Justice Patteson has been noticed with all the respect to which it is entitled, but I think it has not been looked at with sufficient accuracy by those who impugn it on that ground. Mr. Justice Patteson said, that every individual in the House enjoyed the right of communicating to any person, whose opinion it was necessary to obtain, any document published by the authority of the House. Why did the learned judge say so? Because we have a right to do that which enables us to perform our duty within the House. A Member may feel that there are documents brought before the House with which he is not individually acquainted, and he may be extremely desirous of ascertaining the opinions of other persons, well qualified to form a correct judgment, upon those documents; and I contend that he would be perfectly justified in so doing. I should be quite ready to run the risk of any supposed guilt which I might challenge by the circulation of such papers, because I should be protected by the general law of the land, if I acted only in the performance of my duty. It is undoubtedly necessary for the due performance of our duties in this House, that every Member should have the right of communicating these documents, and that right has been admitted by the judgment of the Court of Queen's Bench; and if you repeal the resolution of sale, you may circulate your papers wherever you may think it material to send them for the public benefit. But if you publish them by sale, any man may obtain them; and I therefore consider it a complete misconception of the judgment of the Court of Queen's Bench to say that circulation by sale is immaterial, for the judgment was only directed against indiscriminate circulation.

Mr. A. WHITE. — Sir, the Noble Lord the Member for Hereford and the Honourable Member for Westminster having stated, in strong terms, that public opinion is decidedly against the House on this question, I beg to state, that I have had several communications from my constituents encouraging me to support the privileges of the House, and not one of an opposite tendency. I therefore believe the majority of the public concur in the steps the House has been obliged to take in support of its privileges, as being not only essential to the efficient discharge of the public business, but of vital importance for the preservation of the liberties of the people. In common with other Honourable Members, I felt exceedingly reluctant to vote for the committal of the sheriffs and other individuals to the custody of the Sergeant-at-Arms. Yet I have the satisfaction of knowing that I am supported in this course by the most eminent statesmen and lawyers on both sides of the House; and I must say, that had it not been for the continued and unaccountable opposition of a small minority of the House to the course taken for the vindication of its privileges, instead of having, now, some four or five actions going on, we should have only had the first case of Stockdale and Hansard to contend with. I therefore do not hesitate to avow my decided conviction that the opponents of the course taken by the majority of the House are entirely to blame for the committal of the parties whose case is now before the House.

The House divided: — Ayes 135, Noes 53; Majority 82.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, Major
Anson, Hon. Colonel
Archbold, R.
Baines, E.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blair J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Collins, W.
Conyngham, Lord A.
Corbally, M. E.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Divett, E.
Dundas, F.
Dundas, Sir R.
Ellis, W.
Evans, W.
Ewart, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hayter, G. W.
Hector, C. J.
Hepburn, Sir T. B.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, Hon. C.
Howard, F. J.
Howard, P. H.
Howick, Lord Viscount
Hume, J.
Humphery, J.
James, W.
Jervis, S.
Langdale, Hon. C.
Lockhart, A. M.
Lushington, C.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Macleod, R.
Martin, J.
Maule, Hon. Fox
Miles, W.
Morpeth, Lord Visct.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
Parker, J. (Sheff.)
Parker, R. T.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinney, W.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Russell, Lord J.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Smith, B.
Somers, J. P.
Stansfield, W. R. C.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tanered, H. W.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.
Wynn, Rt. Hon. C. W.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, Hon. E. J.
Steuart, R.

NOES.

Alsager, Captain
Ashley, Lord
Attwood, W.
Bailey, J. jun.
Baring, H. B.
Broadley, H.
Bruges, W. H. L.
Dalrymple, Sir A.
Darby, G.
Dowdeswell, W.
Duncombe, T.
Filmer, Sir E.
Fitzroy, Hon. H.
Gladstone, W. E.
Goring, H. D.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Holmes, Hon. W. A'Court
Hotham, Lord
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Knatchbull, Rt. Hon. Sir E.
Knox, Hon. T.
Law, Hon. C. E.
Leader, J. T.
Lygon, Hon. General
Mackenzie, T.
Mahon, Lord Visct.
Packe, C. W.
Pakington, J. S.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Scarlett, Hon. J. Y.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, R.
Sugden, Rt. Hn. Sir E.
Talfourd, Mr. Serjeant
Verner, Colonel
Vivian, J. E.
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.

Tellers.

Godson, R.
Kelly, F.

Resolved, That Thomas George Johnstone Pearce having been concerned in conducting the action of Stockdale against Messrs. Hansard, after the prosecution of the said action has been resolved by this House to be a breach of their privileges, has been guilty of a contempt and a breach of the privileges of this House.

The SOLICITOR GENERAL. — Sir,

I have now to move, "That Thomas George Johnstone Pearce having been guilty of a contempt and a breach of the privileges of this House, be, for his said offence, committed to the custody of the Sergeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly." I know the consequences of this motion to the individual at the bar, but it is quite clear that his imprisonment need not be long. Mr. Howard will have learned by the vote of this night, that he can no longer use the man who has been at the bar as an instrument for prosecuting his actions. There is no reason why Mr. Howard should discharge this man from his service because he cannot perform this particular service for him. Mr. Howard can very easily release him from that duty; and in the course of a very short time he will be able to present a petition to this House, submit, and obtain his discharge. It is quite competent for Mr. Howard to limit his own punishment and the punishment of those connected with him; but I am perfectly sure that the imprisonment ought to be continued so long as it is necessary to enforce the privileges of this House.

AN HONOURABLE MEMBER. — I beg to second the motion.

Question put.

SIR E. SUGDEN. — Sir, I must take the same course on this occasion as I have done on previous occasions.

[Cries of " Oh!"]

I shall certainly divide the House; and whenever a motion is made for a similar commitment of innocent individuals, I intend to resort to the same course of opposition. The Solicitor General supposes that this person may be released on his submission to the House. I know that nothing would be more gratifying to the Honourable and Learned Gentleman than the presentation of such a petition, because he imagines that it will further the object he has in view, and that is, to extort from this unhappy person an acknowledgment of the authority of the House. Of course, being a poor man, and left without subsistence, he will be happy to make submission in order to rejoin his family; but what will be the value of such an acknowledgment? What will be the future course in actions of this description? The attorneys bringing similar actions will send all the ticket-porters in the Temple, Gray's Inn, and Lincoln's Inn, instead of their own clerks, to serve their summonses. Then my Honourable Friend will have to take them all up, call them to the bar of the House, tell them that they have committed a breach of privilege, and order them into custody. I wish him joy of his prospective occupation.

[Cries of " Oh, oh, oh!"]

I can perfectly understand the cheer of Honourable Gentlemen on the other side. The meaning of it is this, " Don't interrupt the proceedings of the majority, but let us hastily exercise our judicial functions." I can conceive occasions on which it might be a great relief to a Government to be allowed to proceed in this manner.

[Cries of " Oh, oh!"]

If Gentlemen will persist in these interruptions, I will move an adjournment, and continue dividing the House until this time to-morrow morning. I am really surprised that Gentlemen should conduct themselves in this manner. I thank God that I am not subject to their tribunal! Are Honourable Gentlemen aware that the present question is a judicial one? Do they know that they are to decide upon their honour and conscience the question of separating a man from his wife and family, and confining him without the means of subsistence? It would become us at least to enter upon the consideration of a question of this kind with some little prudence, and to let the world see that we are acting without passion.

[Cries of " Hear! " and, " Oh! "]

I wish to say that I am not in a passion. Although I may have expressed myself with some degree of warmth, I must say that I never was more cool in my life.

[Cries of " Oh, oh!" and laughter.]

My feelings may certainly have been excited by the want of attention which has been manifested to those judicial functions which the House is called upon to exercise, and which I am fully convinced a portion of the House has not addressed itself to. I shall certainly divide the House on the motion.

MR. W. MILES. — I beg to move, as an amendment, to leave out from the word " Pearce " to the end of the question, in order to add the words " be called to the bar and reprimanded by Mr. Speaker, and discharged," instead thereof.

An Honourable Member.—I beg, Sir, to second the amendment.

Question put, — "That the words proposed to be left out stand part of the question."

Amendment, by leave, withdrawn; main question put. The House divided: — Ayes 134; Noes 50; Majority (against the amendment) 80.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, Major
Anson, Hon. Colonel
Archbold, R.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Collins, W.
Conyngham, Lord A.
Corbally, M. E.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Divett, E.
Dundas, F.
Dundas, Sir R.
Elliot, Hon. J. E.
Ellis, W.
Evans, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hayter, W. G.
Hector, C. J.
Hepburn, Sir T. B.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, Hon. C.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Lord Visct.
Hume, J.
Humphery, J.
James, W.
Langdale, Hon. C.
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Macleod, R.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Miles, W.
Morpeth, Lord Visct.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
Parker, J. (Sheff.)
Parker, R. T.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinney, W.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, Major C.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.
Wynn, Rt. Hn. C. W.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, Hon. E. J.
Steuart, R.

NOES.

Alsager, Captain
Ashley, Lord
Attwood, W.
Bailey, J. jun.
Baring, H. B.
Broadley, H.
Bruges, W. H. L.
Dalrymple, Sir A.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
Eaton, R. J.
Filmer, Sir E.
Fitzroy, Hon. H.
Gladstone, W. E.
Godson, R.
Goring, H. D.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Holmes, Hon. W. A'Court
Hotham, Lord
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Knatchbull, Rt. Hon. Sir E.
Knox, Hon. T.
Law, Hon. C. E.
Leader, J. T.
Mackenzie, T.
Mahon, Lord Viscount
Packe, C. W.
Pakington, J. S.
Pemberton, T.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Scarlett, Hon. J. Y.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, E.
Sugden, Rt. Hn. Sir E.
Talfourd, Mr. Serjeant
Verner, Colonel
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.

Tellers.

Darby, G.
Kelly, F.

Resolved, That Thomas George Johnstone Pearce, having been guilty of a contempt and a breach of the privileges of this House, be for his said offence committed to the custody of the Sergeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly.

MR. UNDER-SHERIFF FRANCE.

Mr. GORING. — Sir, I have been requested to present a petition from Mr. France, the under-sheriff of the county of Middlesex, who states his readiness to pay all due respect to our privileges and resolutions, under the protection of the House. I beg to move that the petition be now read.

The clerk read the petition as follows:—

The humble petition of Thomas France, under-sheriff of the county of Middlesex,

Showeth, — That your petitioner has been served with a copy of the Resolutions of your Honourable House, warning your petitioner and all others connected with the carrying on the proceedings of the office of sheriff against acting in aid, furtherance, and prosecution of a certain action brought by John Joseph Stockdale against Messrs. Hansard and others, in breach of the privileges of your Honourable House.

That your petitioner is anxious to pay the most respectful deference and obedience to your Honourable House and its privileges, but has great ground to fear that, in yielding such obedience the sheriff of the said county may be exposed to great personal risk and loss; but, relying upon the protection of your Honourable House to the said sheriff and his officers, your petitioner respectfully assures your Honourable House that all due respect will be paid to its privileges and resolutions under the protection of this Honourable House. And your petitioner will ever pray.

COUNTY CONSTABULARY.

On the motion of Mr. F. Maule, Act (2 & 3 Vic.) read.

Mr. F. MAULE. — I rise to move for leave to bring in a Bill to amend the County Constabulary Act of last Session. My object is — not to alter any of the principles laid down in that Act, but — to provide for the difficulties which have arisen in carrying it into effect in the various counties, and isolated portions of counties, in which it has been adopted. I propose to alter the system of payment for the county constabulary, by enabling the justices to assess for each district. Many of the difficulties will in that way be got over. If the justices assess to the police rates, those parts only of counties which adopt the police will be called on to pay the rate laid by the justices. It may be collected with the county rates, and the difficulty which at present exists will be effectually removed, because, with respect to isolated portions of counties which have adopted the Act, the justices would be empowered, in the Bill which I propose to introduce, either to assess those portions of counties in the rates which they might think fit to lay on, or to apply to the treasurer of those isolated portions to pay that proportion of the rate which they will be called on to pay. Another inconvenience which at present exists, is the uncertainty as to the operation of the Act in municipal boroughs which have not obtained a grant of a court of quarter sessions. I believe that the clause will exempt these boroughs; still, as there is considerable doubt on the subject, I intend to declare in the present Bill, that no town under the Municipal Corporations Act, having a municipal corporation of its own, and being bound to maintain a police of its own, shall be liable to be assessed for the county constabulary; and I propose to enable towns of this description to combine with the county in having the same chief constable to control the whole police, both in the county and in the towns. Another difficulty has arisen with respect to those parts of the counties of Kent, Essex, and Surrey which border on the circle of the metropolitan police, and with reference to which those parts which are included within the metropolitan police district may be called upon not only to pay the rate for the metropolitan police, but for such parts of the county as are without the boundaries of the metropolitan police. I mean to provide that those parts of the suburban districts shall not be rated to the county constabulary beyond the limits of the metropolitan police districts; and that magistrates acting within those suburban districts shall take no part in the assessment of the rate for those parts of the county in which they have no local jurisdiction. These are the principal alterations which I propose to make. I do not intend in any way to alter the principle of the measure. I am aware that several counties have complained that its adoption is attended with very considerable expense, and that some propositions are likely to be made, by which it is imagined that a constabulary may be established at much less expense. But I do not think that any effectual system can be established, unless the constables, who shall be appointed, give up the whole of their time, not only to the detection, but to the prevention of crime, which is a duty more incumbent upon them than the mere detection of crime after it has been committed. During the short period that this Act has been in operation, great service has been derived from it, though, perhaps, not all that might be desired. I am happy to say that it has been adopted in thirteen counties, and in some of these with very considerable success; and I trust that other counties will soon follow their example. I am sure that every Honourable Gentleman will be prepared to consider, calmly and dispassionately, this measure, which can only have one object in view, — that of giving, during these disturbed times, a good and efficient rural constabulary, to which may safely be intrusted the preservation of the peace and tranquillity of the country.

Mr. WALLACE.—I beg to second the motion.

Question put.

SIR E. KNATCHBULL. — I do not intend to offer any opposition to the motion of the Honourable Gentleman: on the contrary, I am glad that he has introduced this measure, and that he has taken a different course from that which he pursued last Session, by introducing it at a time when it can be carefully considered. On the points to which the Honourable Gentleman has referred, I do not think there is much difference of opinion between us. I am glad that the Honourable Gentleman proposes to modify the provisions of the Bill of last Session as to the expense; and I approve also of an alteration of the Bill with regard to its operation in the suburban districts, where it has certainly produced a great degree of confusion. I was not aware that it had been adopted to the extent stated; and I should have felt considerable doubts on the subject, had not the Honourable Gentleman made this statement to the House. I can understand that the principle has been agreed to; but I cannot understand how so extensive an alteration has already been so extensively acted on. There are certain constitutional objections to the Bill, which will be more properly discussed at the second reading, and I merely, now, enter my protest against it upon these grounds: — I know that the expense has caused great dissatisfaction, and I hope that, in this respect, the Honourable Gentleman will allow me to introduce clauses, to give the Bill a different course of operation. If counties choose, voluntarily, to incur this heavy expense, of course I can have no objection to their doing so; but if it be found that in other counties the magistrates can establish an efficient police at one third of the expense, I hope there will be no objections to the introduction of some provision, enabling them to establish a police of that character. The Honourable Gentleman says, that no persons ought to be employed as constables who cannot devote the whole of their time to the performance of the duties of that office. Now, where the population is large, that may, perhaps, be desirable; but in rural districts, where the population is small, it will be impossible to give full employment to constables. I think that an efficient force might be established by appointing high constables, having under their control a number of constables appointed by the Courts Leet and Courts Borough, and that such a force would be more efficient for the purposes required than that proposed by this Bill. These are the chief points which strike me at present, and I trust the Honourable Gentleman will give them his best consideration.

Mr. HODGES. — I do not rise to offer any opposition to the Bill of the Honourable Gentleman; but I must say that, as he has declared it is not his intention to alter the principle of the Bill of last Session, I entirely despair of obtaining any material improvement of that measure. I beg to give notice of my intention, at an early day, to move for leave to introduce a Bill for the purpose, not only of improving the present constabulary force, but for the purpose of providing efficient means of affording protection to property, and security to the inhabitants of the country.

Mr. HUME. — The Right Honourable Baronet (Sir. E. Knatchbull) has expressed a hope that the measure will be carried out with the consent of the ratepayers. Now, I wish to ask in what way the concurrence of the ratepayers can be obtained? Certainly not by being compelled to pay large sums of money to magistrates over whom they have not the least control. Let a board be established for the purpose of managing the affairs of the county, and then the ratepayers will be more satisfied than they are, under the present system. I think the suggestion of the Right Honourable Baronet, that it should be optional with counties to adopt the measure, most objectionable; because the effect of establishing a good police in one county will be to drive the rogues into the one adjoining: and I therefore decidedly object to any partial measure, which will be neither effectual for the prevention of crime nor the saving of expense. I hope the Government will agree to the formation of a board elected by the ratepayers, and I wish now to state, that when the Bill goes into committee, I shall propose certain clauses with the view of making the Bill more generally acceptable throughout the country.

LORD GRANVILLE SOMERSET. — I rejoice that the Honourable Gentleman has introduced this Bill at an early period of the Session, because it will afford ample opportunity for considering such alterations as are essential to the proper working of the Act. With respect to the amendments suggested by the Honourable Gentlemen, they will receive my warmest support. Many of the clauses, as they now now stand, are so monstrous, that I never could consent to their introduction into any county with which I am connected. I hope, with the Right Honourable Baronet the Member for Kent, that many more amendments will be introduced than those which have been mentioned by the Honourable Gentleman, and if the Government find that there is a general feeling every where in favour of a cheap constabulary force, I can hardly conceive that they will object to such alterations. I know that there are many counties which would joyfully accept of a cheap constabulary force, but which have been prevented from adopting the measure of last Session by the great expense attending it. With respect to the observations of the Honourable Member for Kilkenny, I beg to observe, that the county justices, without any controlling power over them on the part of the ratepayers, are just as anxious to avoid the imposition of unnecessary expense upon the ratepayers as any representative body can be, however strictly that body may be chosen. I can tell the Honourable Member, that when I am acting as a justice in my own county, I consider myself under as great a responsibility as when I am called on to impose taxes in this House. The Honourable Member for Kilkenny may be of opinion that the magistracy have imperfect notions of economy; but if the Honourable Gentleman had been in the habit of attending at the courts of quarter sessions, when discussions take place as to the county expenditure, I am quite satisfied that he would have entertained a very different opinion. With respect to the present Bill, I hope that the House will be put in possession of Returns stating the names of the counties in which the Constabulary Act has been adopted, and the number of constables employed in each, so that we may see how it has been carried into operation.

Mr. FOX MAULE. — These Returns were ordered a few days ago.

LORD G. SOMERSET. — I trust they will be laid on the table before the second reading, and will also include a statement of the increased rates which have been required in consequence of the adoption of the measure in each county. Perhaps the Honourable Member will add this to the former Return, and we shall then be in possession of the whole of the facts.

Mr. PAKINGTON. — Sir, as it is quite clear that the Bill must undergo considerable discussion in its future stages, I will not at present occupy the House with any lengthened observations upon it. I cannot, however, avoid making two or three remarks on the additional expense imposed on counties, by the establishment of a constabulary force. With respect to the remarks of the Honourable Member for Kilkenny, I beg to say that, although the ratepayers have not the power, directly, of influencing the decisions of the magistrates, they have the power of remonstrance and petition. In the county which I have the honour to represent, there has not been the slightest objection to the police by the ratepayers. There has been, in that county, a saving of between 30,000*l.* and 40,000*l.* a-year, by the New Poor Law Act, and there can be no objection to an expenditure of 2000*l.* or 3000*l.* a-year to insure security to life and property. At the same time I wish the Honourable Gentleman to consider whether it might not be advisable to throw some part of the burden of the new constabulary on the Consolidated Fund. This was strongly recommended by the Police Commissioners; and, considering that an immense mass of property will be protected by this Act which does not contribute towards the county rate, I think it would not be unfair to throw a portion of the expenditure on the general funds of the country. And, coupled with that, I have no hesitation in saying that the Bill would have had a much more beneficial effect, if it had been compulsory. It is weak and timid legislation to make measures of this kind optional; and this is one of the evils under which the country is now suffering from the present Ministry, who are diffident of bringing forward any decided measures, from the fear of offending their supporters. I wish, also, to impress on the Honourable Gentleman the necessity of devising some more effectual mode of making detached parts of counties contribute to the general expenses.

Mr. G. BERKELEY. — Sir, I wish to ask whether it is the intention of the Honourable Gentleman to introduce a clause to obviate the strange anomaly which at present exists with respect to the Police Bill. In the borough which I have the honour to represent, there is a local Bill empowering certain commissioners to establish a local police force. If the county constabulary be introduced, the inhabitants will be subject to a double rate. I wish to ask the Honourable Gentleman whether he intends to introduce a clause which will make the county police supersede the police established by commissioners under the local Acts of Parliament? or in what way the town is to be relieved from a double rate?

Mr. F. MAULE. — Provision will certainly be made to prevent a double rating.

Mr. LANGDALE. — I trust that

some clause will be introduced for the purpose of giving ratepayers a control over the money to be expended, if an additional burden is to be imposed on them. I must certainly dissent from the praise which has been bestowed on the magistracy for the care which they take to prevent unnecessary expenditure. The Honourable Member opposite (Mr. Pakington) alluded to the great reduction which has taken place in the amount of the poor rate in the county with which he is connected. But why has that saving been so great? Because the matter has been taken out of the jurisdiction of the magistrates, and placed in the hands of the ratepayers. In the county with which I am connected the general feeling is not favourable to the economy of the magistrates, who have expended 120,000*l*. on the buildings at York Castle; and these are, after all, very ineffectual for the purpose for which they were intended. Whenever the Honourable Member for Kilkenny brings forward a practical motion on this subject, he shall have my warmest support.

MR. PAKINGTON. — I wish to correct an erroneous impression under which the Honourable Member seems to be labouring. I certainly did not attribute the saving under the New Poor Law to the economy of the magistrates.

LORD HENNIKER. — Sir, although I heard with pleasure the announcement of the Honourable Gentleman's intention to bring in a Bill to amend the Act of last Session, I must say that I was rather disappointed when I heard how far he intended to go. I certainly did hope that power would be given to justices over the constabulary force in their respective districts, and that the measure should only be adopted where it might be made apparent to the justices that it was required. I believe that it has been adopted in all the thirteen counties which the Honourable Gentleman refers to, without any evidence being adduced; and I am of opinion that the ratepayers would be justified in resisting the rate, where such evidence has not been given. I think the ratepayers would be effectually protected by giving a *veto* to the lord lieutenant of the county or the Secretary of State for the Home Department.

MR. H. G. KNIGHT. — I am glad to find that some alterations are to be made for the purpose of rendering the Constabulary Bill more effective. This is absolutely necessary in the altered circumstances of the country, for the old constabulary is as ineffective as were the old "Charleys" in the metropolis. The old constables may be very well where there is little to do, but they are not qualified to act in cases of emergency; and in the neighbourhood where I reside the inhabitants have been compelled to protect themselves by voluntary association and subscription. I think the management of the constabulary ought to be vested in the Government, whose especial province it is to protect our lives and properties, and who could carry it into execution much more efficiently and economically than any other parties. As great jealousy exists on this subject, perhaps it would be better for the present to adopt a permissive Bill. I regret to say that in many instances it has been opposed on party grounds. This appears to me to be one of those measures on which party spirit should be laid aside; and, really, when I hear exclamations against its unconstitutional character, and the alarm expressed for the liberty of the subject, I cannot but regret the misapplication of those high-sounding words. In the county which I represent, there was no display of party feeling, and the measure was adopted without a division. We deemed it our duty to begin on as moderate a scale as possible, and it would have been well if the example had been followed in other counties, for an expenditure of about 15,000*l*. a-year will not be readily acquiesced in. There are two or three points to which I wish to direct the attention of the Honourable Gentleman. I think the powers of the chief constables ought to be so extended as to comprise the powers of the present high constables, and that counties should not be saddled with the expense of two establishments. I am also of opinion, from the greater amount of property in towns, that it would be only just to rate houses higher than land. This principle has been acknowledged in the 3 & 4 William IV. c. 90., and if introduced in this Bill, it would greatly tend to reconcile the rural districts to its introduction. I also think that a portion of the expense should be paid out of the Consolidated Fund. If a *bonus* be thus given to counties, I have no doubt that the measure will be much more generally adopted, and, until that is the case, it will never be carried out in an efficient manner.

MR. R. T. PARKER. — I trust the Honourable Gentleman will grant some relief to those large towns which, having a constabulary force of their own to support, are liable, and have been assessed, to a rate for the support of the county constabulary, without deriving any benefit from their services.

Mr. FOX MAULE. — I shall attend, as far as possible, to the suggestions which have been thrown out in the course of the present discussion. With respect to the suggestion of the Honourable Member for Preston, I think it but just, that where boroughs, having a police of their own, have been assessed to the county constabulary, relief should be granted.

Motion agreed to. Bill to amend the said Act ordered to be brought in by Mr. Fox Maule, Lord John Russell, and Mr. E. J. Stanley.

MERCHANT SEAMEN'S FUND.

On the motion of Mr. Ingham, Select Committee appointed "on the Act 4 & 5 Will. IV. c. 52., to consider the state of the funds, and how they can be more effectually maintained and administered for the benefit of the seamen.

NEWPORT RIOTS.

Mr. GODSON. — Sir, as the Honourable Member for Westminster has a motion on the paper relative to the proceedings of the Commission at Monmouth, I think I shall best consult the wishes of the House, by withdrawing, for the present, that of which I have given notice.

Mr. LEADER. — I should not ask the House to allow me to proceed at this late hour, were the case not one of the most pressing importance. Before going into the subject, I wish to present several petitions, which have been intrusted to me, praying for a free pardon to Frost, Williams, and Jones. They are from Nailsworth; Piecombe; Stonehouse (Lanark); Lewes; Glasgow (two petitions); Hamilton; Newmilns; Kilmarnock; Bridgeton; Bury (Lancaster); Campsie; and Stroud, the latter signed by 1300 persons.

Mr. GODSON. — I beg also to present a petition from London, numerously signed, praying the House to address Her Majesty to be pleased to place the prisoners in the same situation as they would have been, had the judges decided the reserved point of law at Monmouth.

Mr. FOX MAULE. — Sir, before the Honourable Gentleman proceeds with his motion, I wish to state that I am placed in a situation of considerable difficulty. I should be sorry, in a case of this kind, to interfere with the motion of any Honourable Member who appeals to the House in a case of mercy; but, from the wording of the motion, it is clear that the Honourable Member intends to enter into the whole state of the case, as to the occurrences during the trial, and also as to what took place between the judges subsequently. In answer to such a case, I also shall have to enter into a detailed statement; and I do not think that, either to those persons who are interested in the discussion, or to those who have to reply to the observations of the Honourable Member, it would be fair to proceed at this hour of the night.

Mr. LEADER. — Sir, it is now only twelve o'clock, and we may easily get through the discussion in about two hours. But will the Honourable Gentleman say that the prisoners shall not be removed from Portsmouth until after the discussion has taken place? If he will do so, and yield to me the power of bringing forward my motion on Thursday, immediately after the presentation of petitions, I will at once obey the suggestion which he has thrown out.

Mr. HUME. — I do not think that my Honourable Friend can bring on his motion now. The object he has in view is, to procure a full discussion of the case; but if he proceeds in the present thin state of the House, he will fail in that object. I would request him to postpone his motion until Thursday.

Mr. LEADER. — I will at once yield to the recommendation of my Honourable Friend; but I think it will be exceedingly unfair to transport the prisoners before this discussion has taken place. I beg to state, that I do not intend to appeal to the mercy of the House. My motion is founded upon a point of law, and I hope that I shall have an opportunity of bringing the matter under discussion on Thursday.

Mr. FOX MAULE. — Sir, so far as I am concerned, the Honourable Member shall have every opportunity of bringing forward the question on Thursday.

TITHE COMMUTATION ACTS AMENDMENT BILL.

Mr. Hodges and Mr. Aglionby added to the Committee.

MILITARY OPERATIONS (INDIA).

On the motion of Sir J. Hobhouse, order, "That the thanks of this House be given to Major General Sir Willoughby Cotton, Knight Grand Cross of the most honourable Military Order of the Bath, and to the several officers of the army, both European and native, for their good conduct and gallant exertions during the late operations to the westward of the Indus." — Read, and discharged.

Resolved, *nemine contradicente*, "That the thanks of this House be given to Major General Sir Willoughby Cotton, Knight Grand Cross of the most honourable Military Order of the Bath; Major General Sir Thomas Willshire, Knight Commander of the most honourable Military Order of the Bath; Major General Sir Joseph Thackwell, Knight Commander of the most honourable Military Order of the Bath; Major General Edward Henry Simpson; Major General William Nott; and to the several officers of the army, both European and native, for their good conduct and gallant exertions during the late operations to the westward of the Indus."

Ordered, That the said resolution be transmitted by Mr. Speaker to the Governor General of India; and that his Lordship be requested to communicate the same to the several officers referred to therein.

UNIVERSAL SUFFRAGE.

Petition from James Anderson, shopman, Glasgow, in favour. — To lie on the table.

CHURCH PATRONAGE (SCOTLAND).

Petition from Kinross, for amendment of law. — To lie on the table.

LAW OF EVIDENCE (SCOTLAND) BILL.

Read a second time, and committed for Monday next.

INCORPORATED TOWNS.

Mr. INGHAM. — Sir, I beg to move an Address for "Returns of all the towns or boroughs which have petitioned to be incorporated according to the provision of the Act 5 & 6 Will. IV. c. 76., stating the date of the petition, whether such petition was opposed or not, the result, and whether, in case of the charter being granted, the district comprised in such charter was either larger or smaller than the precinct of the petitioning town or borough. Of all incorporated towns or boroughs to which commissions of the peace have been granted from the passing of the said Act, to 31st December, 1839, stating the number of justices in each commission, and how many justices, if any, who have at any time been appointed as justices to such boroughs, since the passing of the said Act, were at the date of their respective appointments members of the councils of the several boroughs to which such commissions have been granted. From every borough levying a borough rate under the said Act; of the amount of such rate for the last year for which the accounts have been made up; and also of the amount of the rate levied at the same period, under each of the several Local Acts enumerated in Schedule E, of 5 & 6 Will. IV. c. 76.; and, also, Return of the amount of rates levied under such Local Acts respectively, for the year next before the year in which the provisions of the said Act came into operation.

Mr. FOX MAULE. — Sir, there are no means of making the necessary remuneration for the trouble given in procuring these Returns; but I will endeavour to procure them.

Motion agreed to.

RETURNS, &c.

Governor General of Canada. — On the motion of Colonel Sibthorp, Return ordered —

Of the expense incurred in the outfit, as well as other expenses immediately and particularly connected with the passage and mission of the Right Honourable C. P. Thomson, Governor General of Canada, and suite, distinguishing the appointments, names of the persons attached to the said mission, and the salaries proposed to be paid to each.

Municipal Corporations. — On the motion of Mr. Shaw, Return ordered —

Of the number of appeals to the Commissioners of Her Majesty's Treasury, under the Act 5 & 6 Will. IV. c. 76. s. 66.; distinguishing by whom made, the claims made to the town council, and the amount of compensation claimed in each case; the determination of the town council thereon; and the order made by the Commissioners of Her Majesty's Treasury in each case of appeal.

Fortress of Kelat. — Copy presented, of papers relating to the capture of the fortress of Kelat, in Beloochistan (by command). — To lie on the table.

Comptroller of the Exchequer. — Paper.

Masters in Chancery. — Return.

Court of Chancery. — Return.

(Severally presented 14th February).— To be printed.

Adjourned at a quarter after twelve o'clock.

HOUSE OF COMMONS, Mercurii, 19° die Februarii, 1840.

PRIVATE BUSINESS.

Clerkenwell Improvement. — Petition for Bill reported, and Bill ordered to be brought in by Mr. **Thomas Duncombe** and Mr. **Wakley**.

Canterbury Pavement. — Petition of inhabitant householders of Canterbury, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Cartland Craigs and Hazlebank Road and Bridge. — Petition of Daniel Vere and others, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Wear River Watch Bill, — "For establishing and maintaining a proper and effective Watch on the River Wear, in the Port or Haven of Sunderland near the Sea, in the County of Durham." — Presented, and read a first time; to be read a second time.

The following Bills were severally read a second time; and committed respectively, as under, —

Garboldisham Inclosure Bill, — To Mr. **Wodehouse** and the West Norfolk list.

Birmingham and Wyrley Canals Union Bill, — To **Colonel Anson** and the South Stafford list.

Kennet and Amesbury Road Bill, — To Mr. **Herbert** and the South Wilts list.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Printed Papers, — By Mr. **Wodehouse** and Mr. **Alderman Humphery**, for discharge of the sheriff of Middlesex, — from Aldgate Ward; Oundle; and Great Yarmouth.

Church of England, — By **Sir Edward Filmer**, Mr. **A'Court Holmes**, Mr. **Hurt**, Mr. **Plumptre**, Mr. **Bruges**, Mr. **Grimsditch**, **Sir Edward Sugden**, and the **Attorney General**, for extension thereof, and for the diffusion of religious instruction, — from Irthlingborough; Raunds; Beakesbourne; Walsall; Cransley; Perry Barr; Smethwick; Rugeley; Trysull; Aston; Brome and Oakley; Sedgley; Over Whitacre; Chilvers Coton; Bradley; Shustoke; Maxstoke; Coventry; Worcester (three petitions); Monks Kirby; Bossington; Meriden; Frankton; Aberystwith; Hillmorton; Stockingford; Mancetter; Dunchurch; Bilton; Grandborough; Bath; Syleham; Penkridge; Laxfield; Bungay; Withybrook; Willoughby; Polesworth; Earl Soham; Burgh Castle; Eye; Harbone; Kinver; Little Addington; Deanery of Boroughbridge; Coleshill; Elmdon; Newbold on Avon; Wittersham; Wolfhamcote; Foleshill; North Stainley; Sharow; Birmingham; Penn (Stafford); Shilton; Wombourn; Wickham Market; Wingfield; Melksham; Aylesford; Tewkesbury; Lyncombe and Widcombe; Handsworth; Tunstall; Westbere; Fordwich; Oldbury; Broughton; Orlingbury; Geddington; Great and Little Weldon; Thorpe Malsor; Titchmarsh; Newport and Carisbrooke; Dalbury and Trusley; West Hallam; Ticknall; Darley Abbey; Donisthorpe; Braybrooke; Cranbrook; Edlaston; Brassington; Morton; Hawkhurst; Morley; Smalley; Broughton; Ilchester Deanery Board of Education; Shepton Beauchamp; Chard; Kilmington; Membury; Talaton and Taleford; Carlton Colville; Dennington; Nether Whitacre; and Arley.

Church Patronage (Scotland), — By **Sir George Sinclair**, Mr. **Colquhoun**, and the **Attorney General**, for alteration of the law relating thereto, and against the intrusion of unacceptable ministers, — from Edinburgh; Kilmarnock; Port Glasgow and Newark; Rafford; Alness; Catrine; Annan; Eckford; Dundee Kirk Session (moderator); Dryfesdale Kirk Session (moderator); Auchtergaven; Erskine; Scone; Cargill; Devinish; St. Martin's; Gask; Bendoch

Raphoe Presbytery; and Kirkcaldy Kirk Session (moderator).

On presenting the petition from Edinburgh, signed by the Lord Provost, Dr. Chalmers, and 13,000 inhabitants of Edinburgh, —

The ATTORNEY GENERAL said: — These petitioners pray the House to pass some legislative measure to settle the question of "non-intrusion," which has created so much dissension between the Church and people of Scotland.

Elective Franchise and Municipal Corporations (Ireland), — By Mr. M. J. O'Connell and other Honourable Members, for extension and reform, — from Kilfarboy; Castletown; and Upperwoods.

Maynooth College, — By Lord Viscount Cole, against further grant, — from St. Keverne; Whalley; Southwark; Belchamp St. Paul and Belchamp Otton; Folkestone; Middlewich; and Oldbury.

Corn Laws,—By Sir George Strickland and Sir Henry Parnell, for repeal thereof, — from Kilpin Hill; Dewsbury; Falmouth; Cumberworth; Denby Dale; Birstal; Douglas Bleachfield; and Cumberworth-Half.

Socialism, — From Winterslow, for suppression.

Copyright Bill, — By Mr. Dennistoun, — of authors and others interested in the general diffusion of literature and science in Glasgow, against.

Church Rates, — By Mr. Grote, — for abolition thereof, and for release of John Thorogood,—from Newport (Monmouth); and Northampton (two petitions).

Municipal Reform (London), — By Lord Albert Conyngham, — from Canterbury, for extending the benefit of municipal reform to the city of London, which it stated to be now in an anomalous situation by reason of the imprisonment of the sheriff, and petitioners prayed this House to persist in the vindication of its privileges.

Copyright Bill, — By Mr. Serjeant Talfourd, — of authors, booksellers, and publishers of London and Westminster, in favour of the Bill.

On presenting the above petition, —

Mr. SERJEANT TALFOURD said: — This petition is signed by a number of the most eminent authors and publishers in London. Among the former are the signatures of the Rev. H. Milman, Sir F. Palgrave, Mr. Lockhart, Mr. Thomas Moore, Mr. Rogers, Mr. Faraday, Mr. Charles Dickens; — among the latter, Mr. Murray, Mr. Bentley, Mr. Colburn, Mr. Fraser, and others.

Newport Riots, — By Mr. Dennistoun and Mr. Thomas Duncombe, for a free pardon to Frost, Williams, and Jones, — from Clerkenwell; and Glasgow.

Universal Suffrage, &c.,— By Mr. Dennistoun, — from Glasgow, in favour.

Designs Copyright Bill, — By Mr. Ewart, — from Eastwood, in favour.

Municipal Corporations (Ireland) Bill, — Of William Dunne, solicitor and agent of the corporation of Dublin, for compensation.

JOHN JOSEPH STOCKDALE.

Mr. D'ISRAELI. — I have, here, Sir, a petition, very respectfully worded, from an individual who has unfortunately incurred the displeasure of the House, — I mean John Joseph Stockdale. The petitioner prays the House, as his legal advisers are now under *duresse,* to permit him to plead his own cause in person against Mr. Hansard in the Sheriff's Court on Thursday next, and to make the order on the Sergeant-at-Arms accordingly.

PRINCE ALBERT.

Lord Robert Seymour reported to the House, that the Honourable Members appointed to attend His Royal Highness Prince Albert of Saxe Coburg and Gotha, with the congratulatory message sent from this House, on the happy occasion of the nuptials of Her Majesty, had attended His Royal Highness accordingly, and that His Royal Highness was pleased to say: —

"I return the House of Commons my warmest thanks for the message which you have now delivered.

"I learn, with lively satisfaction, their approbation of the choice which Her Majesty has made; and it will be the study of my life to justify the favourable opinion which you have now expressed."

LEAVE OF ABSENCE.

To Sir **Charles Coote**, till the 8th of March, — illness in family.

To Sir **George Crewe**, one month, — illness.

To Mr. **Ingham**, — circuit.

To Mr. **George Cavendish**, one month, — domestic calamity.

PAPERS, RETURNS, &c.

Bankruptcy Court. — Annual account presented (by Act).

Survey of Ireland. — Return of the progress made in the ordnance townland survey (ordered 6th February).

Ordered to lie on the table. The latter paper to be printed.

Shipping, Tonnage, Imports, and Exports. — On the motion of Mr. **Colquhoun**, Returns ordered —

Of the amount of tonnage, outwards and inwards, and of the number of ships and seamen, distinguishing British from foreign, employed between the United Kingdom and the following countries, from 1821 to 1839, both inclusive, specifying the amount to each country in each year: — Denmark, Sweden and Norway, Hamburg, Bremen, Oldenburg, Mecklinburg, Hanover, Lubeck, Prussia, Austria, France, Portugal, States of Rio de la Plata, Brazil, Columbia, Mexico, United States:

Of the declared value of British and Irish produce and manufactures exported from the United Kingdom to the above-mentioned countries, from 1821 to 1839, both inclusive, specifying the separate countries to which the same were exported each year:

Of the amount of tonnage, outwards and inwards, and of the number of ships and seamen, distinguishing British from foreign, employed between the United Kingdom and the following countries, from 1821 to 1839, both inclusive, specifying the amount to each country in each year: — Russia, Germany (other than the countries in former table), Holland, Belgium, Spain, Italy and Islands, Turkey, Greece and Islands, Syrian Palestine, Egypt, Tripoli, Barbary and Morocco, and north coast of Africa, Arabia, Sumatra and Java, China, Cuba and foreign West Indies, Guatemala, Chili and Peru:

Of the declared value of British and Irish produce and manufactures exported from the United Kingdom to the above-mentioned countries, from 1821 to 1839, both inclusive: specifying the separate countries to which the same were exported in each year:

Of the amount of tonnage, outwards and inwards, and the number of ships and seamen, distinguishing British, colonial, and foreign, employed between the United Kingdom and the British colonies, from 1821 to 1839, both inclusive, specifying the amount to each colony in each year:

Of the declared value of British and Irish produce and manufactures exported from the United Kingdom to the British colonies, from 1821 to 1839, both inclusive, specifying the different colonies to which the same were exported in each year.

COMPTROLLERSHIP OF THE EXCHEQUER. — PENSION TO SIR J. NEWPORT.

Mr. LIDDELL. — I beg, now, to give notice, that on Thursday, the 27th instant, I intend to move certain resolutions connected with the grant of a pension to Sir John Newport.

CONTROVERTED ELECTIONS.

Mr. ORD. — It will probably be convenient to the House that I should now make the motion of which I have given notice, for the purpose of securing the attendance of the Members composing the several panels from which the Committees for trying controverted elections are to be selected. I propose that all Members whose names are in panel No. 1. do attend this House on Friday, the 13th of March, the day on which the Select Committees are to be sworn for trying the merits of the petitions complaining of undue elections and returns for the boroughs of Ludlow and Ipswich; and that all Members whose names are on panel No 2. do attend this House on Tuesday, the 17th of March, the day on which the Select Committees for trying the merits of the petitions complaining of undue elections and returns for the boroughs of Totness and Cambridge are to be sworn.

Upon the question being put,—

SIR THOMAS FREMANTLE said: — As these resolutions are worded, Honourable Members might be led to suppose that their attendance would not be required till the day therein stated. Now, such a notion might lead to great inconvenience in this way. It is possible that some Honourable Members may have reasons to offer why they should not be called upon to serve on these Committees; but as these resolutions do not require their attendance on the Thursday and the Monday, — the days on which the nomination of six Members from each panel to form the Election Committee will take place,— those Honourable Members might be nominated when not in attendance; whereas, when required to serve, it might be found that they had good cause for being absent, and thus the whole business of the nomination would have to be gone over again. Perhaps the Honourable Member will allow me to suggest that the days mentioned in the resolution should be altered respectively, in the one case from Friday to Thursday, and in the other from Tuesday to Monday; so that if any of the Members whose names are on the panel should be prevented from attending, other Members may be nominated in their room.

Mr. GOULBURN. — It may, perhaps, be desirable to give Honourable Members a notice that their attendance will be required; which might be done in the shape of a reminder, in the Votes, a few days beforehand.

SIR E. KNATCHBULL. — I agree with my Honourable Friend (Sir T. Fremantle), that the attendance of Honourable Members ought to be secured on the Thursday and Monday; but, by the resolutions now in the hands of the Speaker, it might be supposed that the attendance on the Friday and Monday respectively would be sufficient.

SIR E. SUGDEN.—The Friday is the day on which the first panel is to act. All the Members of that panel must be here on that day, whether these resolutions pass or not. The resolution is merely in the shape of a motion, reminding them of their duty. It will be known to those Honourable Members that their attendance will be required on that day; and it is only reasonable to expect, that if any of those Members should not be able to attend on that day, they will give timely notice to the House.

DOCTOR LUSHINGTON. — I consider that it will be necessary that the Members composing the respective panels should be in attendance the day before, as well as the day on which the Committees are sworn. The general Committee will choose the six Members of the Select Committee on the Thursday, and on the Friday morning the excuses of those who cannot serve will be tendered.

Mr. WILLIAM MILES. — It is of the greatest moment that the attendance of Honourable Members should be secured on the days mentioned; and whether that be done by a resolution such as that now under consideration, or by a notice published in the Votes, it is immaterial; but I think some kind of notice should be given, and that the attendance on both days should be required.

SIR T. FREMANTLE. — I would suggest, as an amendment to the motion, that the respective panels shall attend on Thursday, the 12th, and Monday, the 16th of March, and remain in attendance till the Select Committees shall be sworn at the table.

Mr. ORD. — I have no objection to adopt the amendment suggested by the Honourable Member.

The amendment was then put, and agreed to.

Ordered, That all Members whose names are on panel No. 1. do attend this House on Thursday, the 12th day of March next, and do remain in attendance until the Select Committees for trying the merits of the petitions, complaining of undue elections and returns for the boroughs of Ludlow and Ipswich, shall have been sworn.

Ordered, That all Members whose names are on panel No. 2. do attend this House on Monday, the 16th day of March next, and do remain in attendance until the Select Committees for trying the merits of the petitions, complaining of undue elections and returns for the boroughs of Totnes and Cambridge, shall have been sworn.

SALE OF BEER ACT AMENDMENT BILL.

Mr. PAKINGTON. — I rise to move the second reading of the Sale of Beer Act Amendment Bill; and, in doing so, I feel bound to state the views which I entertain on this subject; and I hope the House will believe that, in again pressing upon Parliament the consideration of this matter, I am actuated only by a sincere desire to provide a check to the unfortunate and pernicious system which, most notoriously, and in the sight of all, in every town and county, is fast undermining the morals and sapping the virtue of the artisans and labourers throughout the country. I agree with what has been said by an Honourable Member opposite, that this Bill is one which ought to be in the hands of the Government. I am convinced that its importance is such that it cannot be carried, with advantage, in the hands of a private Member, and especially of one so humble as myself. I have, however, endeavoured to persuade the Government to take it up. I requested the Right Honourable Gentleman (the Chancellor of the Exchequer) to take the matter into his own hands; but the Right Honourable Gentleman declined to do so, and professed to hold different views upon the subject from those which I entertain. I therefore had no alternative but to introduce the present Bill, in the hope of in some degree remedying evils, the extent of which is not to be disputed. I will not, on this occasion, detain the House by going into any extensive proofs of the crying necessity that exists for legislation on the subject. I detailed those proofs, at some length, last Session, and I think it unnecessary to do so again, after what occurred in the House on that occasion. I then also stated, fully, the reasons which induced me to propose that measure; and the occurrences which have since taken place throughout the country render it needless for me to occupy any time with the repetition of them. The Bill, of which I now propose the second reading, is, in most respects, the same with that which I introduced last year. I did not succeed, last year, in carrying the Bill I brought forward, — I was obliged to withdraw it; but, although I did not succeed, I consider that the result of what has taken place in this House and in another place has put the present question in a very different position from that which it occupied when it was brought forward last Session, because both Houses of Parliament have, by large majorities, admitted that the evils of the beer shops are great, and that some legislative measure is necessary. In this House, the principle of the measure I introduced last year was admitted on both sides, as well as by Her Majesty's Ministers; but they could not concede the details. These reasons have induced me not to enter so fully into the subject, now, as I did on a former occasion; but there are two points connected with it, that have arisen since last Session, which I wish to allude to, and which will go far to strengthen the case I have to maintain before the House. Those two points are, first, the circumstance of the late rebellion in Monmouthshire, and the question how far the beer houses have been connected with the causes of it; and next, certain observations and opinions expressed by the Noble Lord the Secretary of State for the Colonies. In consequence of the disturbances that have taken place in Monmouthshire, I thought it my duty to obtain certain Returns with respect to public and beer houses in that county; and from those Returns I find that, in Aberystwith, with a population of 6000, there are 41 beer houses, in addition to the regular licensed houses. In Pont-y-pool, in which there are nine parishes, and 14,000 inhabitants, there are no less than 229 houses for the sale of intoxicating liquors; and in Duke's Town, which has been the chief seat of Chartism, the results are nearly the same. I do not know the population of that town, but the number of houses altogether is 151, — and of these 151 there are 5 public houses and 28 beer shops, making 33 houses for the sale of intoxicating liquors, or one house in every five being either a public house or a beer shop. No doubt I may be told that, if the people were disposed to rebel, whether there were beer shops or not, these disturbances would still have taken place; but no man can deny that they hold out great temptations and opportunities to crime; and, I will add, that, with two exceptions, all the Chartist meetings and lodges have been held in beer shops. I would ask whether it can be considered essential to the comfort, the welfare, and the rational enjoyment of the working classes, that every fifth house should be a beer shop or a public house? The second point to which I wish to allude is the statement recently made by the Noble Lord the Secretary for the Colonies, — namely, that the present system of beer shops was injurious to the interests of the country, and that he looked for a remedy, not to legislation, but to an improved system of police. I stated on a former occasion that I thought that the Government had conferred a great benefit on the country by the improved police system which they had introduced; but I warned them, and I warned the Noble Lord, not to expect from that improved system of police a degree of benefit it was never likely to confer. It is absurd as well as dangerous to place the youth of both sexes in positions where their minds are liable to be contaminated, and where they would be liable to be brought into daily and hourly intimacy with poachers, drunkards, prostitutes, and thieves, — and then to say, if they transgress the law, there is a police to punish them. In my opinion, prevention is better than cure.

I will now proceed to mention the provisions of the Bill. I have been strongly urged by many persons to bring forward a measure for the total repeal of the existing beer laws. Others have urged me to do that of which my Noble Friend the Member for Liverpool has given notice on a future stage of the Bill, — namely to prohibit, totally, the sale of beer fo consumption on the premises. I refused to take either course. I have no wish to restore the monopoly of the brewers, nor to return to the exclusive licensing system which was in existence before the passing of the Beer Act; nor to deprive the poor of a nutritious beverage, or of rational enjoyment. I think it would be better to get rid of the worse part of the present system without returning to the old one. The principle on which I propose to proceed is, that no one shall be allowed to sell intoxicating liquors unless he shall be possessed of a property qualification sufficient to guarantee, in most cases, his respectability. I, last year, proposed two classes of ratings for qualification. The first class of rating was 15*l.* for large towns, and 10*l.* for the country districts. It was objected to this proposition that 10*l.* was too high a rating for the country districts. I admit that it might appear high for some country districts; but over and above the city districts, there are large populations — as, for instance, in Monmouthshire—where there are no large towns and no municipal authorities. In these districts I do not think 10*l.* too high a qualification. In the present Bill I shall propose three clauses of qualifications instead of two; and I think I have reason to complain of the conduct of the Government last year, when they proposed certain amendments to this measure, that these amendments were proposed without any knowledge whatsoever of the subject. A qualification of 15*l.* was proposed for the metropolis; they ought to have known that that would hardly have touched a single beer house; 10*l.* was proposed by the Chancellor of the Exchequer as the qualification for cities and towns. The Right Honourable Gentlemen were unaware that that had, already, been the law of England for eight years, and had been found totally inefficient. On that occasion they proposed, in the third place, a qualification of 5*l.* for the rural districts. Such a qualification was a mockery, and worse than useless. My wish has been to avoid both extremes; and I shall therefore propose 15*l.* for cities and towns, and 12*l.* for districts where there is a population of 2500 persons. I can confidently assert that I have the support of all classes of the magistrates of the country, of all parties, in favour of this measure. Not only are the magistrates of towns and the county magistrates in favour of the Bill, but the magistrates of the new corporations are also zealous supporters of it. I implore the House, therefore, to give that effect to the wishes of the magistrates of England which they have a right to expect. I move that this Bill be now read a second time.

Mr. WARBURTON. — It appears to me that the course pursued by the Honourable Member, with respect to this Bill, is liable to a preliminary objection. On the 9th of April, 1772, a Standing Order was established by the House, declaring that no Bill relating to trade, or the alteration of any law affecting trade, should be proceeded with, until it had first been considered, and its principle agreed to, in a Committee of the whole House. The question, therefore, now presents itself,—does the present Bill relate to trade? It may be said that this objection was not taken in time, as the Bill has been brought in; but I can refer to the Irish Church Temporalities Bill, where the same objection was taken after the Bill was brought in, and the Bill was withdrawn because there was also a Standing Order that all Bills, relating to religion, must be primarily considered in Committees of the whole House. Besides, as this Bill went to impose a tax on the clergy, it was held to be a Tax Bill, and that it should originate in a Committee of the whole House. A new Bill was afterwards brought in, and proceeded with according to the Standing Order. The reason of these Standing Orders was, that such Bills went to affect great bodies of the people, and every opportunity should be afforded to discuss them; which could only be in Committee, where Members could speak as often as they pleased. Now the present Bill, undoubtedly, affects a great body of the trading interest of the country. There are 50,000 beersellers in England, with their families, depending upon this trade. I will not, at present, go into the merits of the Bill, but will move, as an amendment, that the present Bill be withdrawn, because it proposes to alter a law relating to trade, and has not been considered in a Committee of the whole House, as required by the Standing Order of the 9th of April, 1772.

Mr. HUME. — I rise to second the amendment, as I am anxious to support the Standing Orders. I think it would be better, at once, to appeal to the Speaker on the question. These Standing Orders ought not to be considered useless; but great jealousy ought to be exercised by the House in respect of these rules and regulations, passed, as they were, for the purpose of extending to the community every opportunity of becoming acquainted with every measure affecting the trade and taxation of the country. By the Bill, the second reading of which is proposed to the House, the revenue will be materially affected. I have seen several Bills irregularly passed through the House; but when a blot is found in the course of our proceedings, especially upon so important a subject, involving, as it does, the interests of a numerous class, it is the duty of every Member to object. My objection to this Bill, then, is upon a Standing Order of the House, which declares that no Bill affecting the taxation or trade of the country shall be introduced without having been previously submitted to a Committee of the whole House. By the Returns which were laid upon the table of the House on the 2d of February, 1839, it appears that no less than 45,394 persons are engaged in the sale of beer throughout the country, who will be affected by this Bill. The revenue will be also materially affected, because the income to the Exchequer from that source alone amounts to 133,775*l.*; whereas the income from the licensed victuallers throughout the country amounts only to 95,000*l.* The Chancellor of the Exchequer, if this objection had not been made, would object to the present course of proceeding; and it is for the House to say whether, under such circumstances, and in direct violation of the Standing Orders, they will feel themselves warranted in proceeding with the Bill.

SIR J. GRAHAM. — I have a feeling equally sincere with the desire of the Honourable Members opposite to maintain the strict orders of the House. I do not undervalue the importance of the question or the interests at stake; and I think that, if the strict rule does apply, the magnitude of the subject would warrant the application; but the rule does not, in my opinion, strictly apply; and if the precedent be not absolutely to apply, I do not see any object in enforcing the rule. Before you, Sir, are called upon to pronounce your opinion, I wish to state that the House, on two former occasions, within the last eight years, has legislated in a similar way without any allusion to the Standing Orders quoted by the Honourable Members opposite. On a reference to the Journals of the proceedings of the House on the 8th of April, 1830, I find that my Right Honourable Friend the Member for Cambridge University obtained leave to bring in a Bill to amend the system with regard to the sale of beer, when the Standing Order in question was not objected. For the second case I cannot refer to the Journals, not recollecting the precise date; but I believe, speaking from memory, that a Bill was introduced by Lord Althorp in 1834. I am just reminded by an Honourable Friend who sits beside me, that I am not correct, as my Honourable Friend has correctly anticipated what I was about to state with respect to the Bill introduced by Lord Althorp; for I understand that, in 1834, when Lord Althorp brought in his Bill, he did so after having previously moved the resolutions on which it was founded in a Committee of the whole House.

MR. BAINES. — I recollect the case of the Irish Church Temporalities Bill, and I remember that it was objected to that Bill, that as it was one which touched the revenue, a resolution should have been moved in a Committee of the whole House previously to the introduction of the Bill. A Committee was appointed to consider the point, and that Committee reported that the Bill could not proceed until a resolution had been moved in a Committee of the whole House.

MR. GOULBURN. — The Honourable Member is not quite accurate in his recollection of the case. The fact is, the preamble of the Bill declared that it was expedient to tax the clergy, for the purpose of raising an additional sum of money, and the Bill was, on that account, held to be a Bill for the taxation of the clergy, and on that ground it was necessary that it should be founded on a resolution in a Committee of the whole House. With respect to the case mentioned by my Right Honourable Friend (Sir J. Graham), of the Bill brought in by me in 1830, there certainly was no previous resolution in a Committee; but the Bill originated in a Committee up-stairs, the chairman of which moved for leave to bring it in.

The SPEAKER. — In the interpretation of the Standing Orders, the House is generally guided not so much by the literal construction of the orders, themselves, as by the consideration of what has been the practice of the House with respect to them. If the practice has been to admit, generally, measures of this kind without a previous resolution in a Committee of the whole House, then the Honourable Member (Mr. Pakington) is right; but after what has been said by the Right Honourable Gentleman (Mr. Goulburn), as to his Bill, in 1830, having originated in a Committee up-stairs, and subsequently as to the precedent of Lord Althorp's Bill to amend that Act in 1834, having been preceded by a resolution in a Committee of the whole House;—it does appear to me that, though the practice has not been quite uniform, the present Bill ought to be withdrawn, and a resolution submitted in a Committee of the whole House previous to its re-introduction.

Mr. PAKINGTON.—I willingly bow to the decision of the Chair, and withdraw the Bill; but I think that I have a right to complain of a want of courtesy in Honourable Members opposite, for their not having given me notice of the objection they intended to raise, and for having resisted this measure on a mere question of form, rather than on the merits of the Bill. Now, how is it——

The SPEAKER said:—I beg to remind the Honourable Gentleman that there is now no question before the House.

Mr. PAKINGTON. — Then, Sir, I beg to give notice, that, to-morrow, I will move that the House resolve itself into a Committee, to take the subject of this Bill into consideration.

Mr. WARBURTON. — As the Honourable Member has complained of discourtesy on the part of those who have suggested this objection, I beg to relieve myself from that imputation, and to assure the Honourable Member that it was only within the last hour that the Standing Order occurred to my mind, and it struck me that this Bill came within the rule.

The Bill was then, by leave, withdrawn.

COPYRIGHT BILL.

Mr. SERJEANT TALFOURD. — I beg to move the second reading of the Copyright Bill.

Mr. WARBURTON. — Sir, I think that I am justified in offering the same objection to this Bill that I have just made to the Beer Bill, which has, on account of that objection, been withdrawn. I have been informed, for I was not present at the time, that a petition was this evening presented by the Honourable and Learned Member for Reading, signed by a number of booksellers and publishers largely engaged in the bookselling and publishing trade, whose interests will be in some way or other, for good or for evil, affected by this Bill. I think, then, that I am fully justified in asking the House whether this is not a Bill affecting the trade of booksellers and publishers, whose occupation is emphatically called "the Trade?" Does not that trade include a numerous class of individuals, whose commercial interests may be deeply affected by this Bill? The objection which I make to our further proceeding with it is identical with the objection that I took respecting the Beer Bill, —namely, that it has not been introduced in conformity with the Standing Order of 1772. I put it to the Honourable Member for Reading, whether it would not be better to initiate his Bill in a Committee of the whole House, where the subject might be fully and calmly considered. On the grounds I have stated, I object to further proceeding with this Bill.

Mr. HUME. — I fully concur in the force of the objections taken to the further progress of this Bill, by my Honourable Friend the Member for Bridport. I think that the House ought to look with great jealousy to Bills which may possibly affect the interests of thousands and millions of individuals. With respect to Private Bills, there is a provision made by the Standing Orders of the House, that every person likely to be affected by a Private Bill shall have the greatest protection, by notice, to guard him against surprise. It is, I think, essential that the House should, in this case, adhere strictly to the Standing Order, and require that a Bill, which goes to affect large and extensive interests, should originate in a Committee of the whole House. The Bill before the House is a measure which affects trade and trading; and though there may not be any particular precedent to apply, yet I hope that the House will see the propriety of making the rule general, and that they will not withhold from the public the discussion in a Committee of the whole House of a question affecting the interests of the public at large. I therefore, on these grounds, feel it my duty to support the objections which my Honourable Friend has raised, and which, I am sure, you, Sir, will hold to be sufficient to prevent this Bill proceeding further.

SIR J. GRAHAM. — I cannot help being highly amused at the eagerness of the Honourable Gentlemen opposite to throw impediments in the way of large and extensive legislative changes; and I hail that disposition on their part with great satisfaction, and will be ready to join with them in pursuing that course. But with respect to this objection, I would request the House to permit me to say, that, having yielded in the former case to the decision of the Chair, and concurring as I do in the wisdom and policy of that decision, I cannot but think that the construction sought to be put upon the Standing Order, in applying it to the Bill now before the House, is a strange construction. In the former case, large trading interests were concerned; in the present case, no such large interests will be affected. The policy and principle of the Bill before the House do not affect the property of booksellers. I understand that the present Bill does not interfere in the slightest degree with the sale of the books; but that its object is, to protect the interests of authors. It may be said to interfere indirectly with the sale of books; but it is not the policy of the measure to affect any individual interests. It would, then, be a strange construction of the rule, indeed, if the precedent sought to be established were to apply in the present case. If we were to apply this rule stringently, a virtual obstruction would occur to the proceedings of Parliament by reason of the length of time which every legislative measure would necessarily occupy in progressing through the several stages over which it must necessarily pass. I consider the objection taken by the Honourable Members opposite to be an unfair opposition to the Bill.

The SPEAKER. — As I have been called on to decide this objection, I must say that I look upon this case as one essentially different from the last. In my opinion, the Standing Order which has been referred to applies to those Bills, alone, which directly affect or interfere with trade. I think that the Bill now before the House, as it does not directly interfere with "trade," in any sense in which that term is used in the Standing Order, has been properly ordered to be brought in without having first been considered in a Committee of the whole House. I apprehend, therefore, that the objection of the Honourable Member does not apply in this case.

Mr. WARBURTON. — Well, then, I move that this Bill be read this day six months; and I feel justified in applying to the present Bill the same character which I applied to the Bill brought in, in the last Session, and to the previous Bill introduced by the Honourable and Learned Member for Reading, who has consulted the interests of authors and publishers, but who has thrown out of his consideration the interests of the public. In the arguments employed by the Honourable and Learned Member, and by others who persist in arguing in support of this measure, a comparison has been drawn between the protection given to patent rights and that to copyrights. It was said, that the inventor of a mechanical invention does not obtain equal protection with an author — that the invention is but a stage between the inventor and the public — that the patent is considered a stop to the success of the improvement of the thing invented. Now, as the Honourable and Learned Member has, on a former occasion, acquiesced in the objection to the continuance of the patent in the case of mechanical inventions, he has deserted the very principle of his own Bill. The Honourable and Learned Member's principle is founded upon this, — that the author is an inventor; that he has an indefeasible right to his invention from the time of its being invented to a certain future time; and if his dominion over his invention were curtailed, and if it did not extend to that future time, a gross injustice would be committed — that such curtailment would be contrary to justice and to right. Now, let me ask, how is the invention of a mechanic less the invention of his mind, and knowledge, and understanding, than that of an author? If the literary man be an inventor, is not the mechanic an inventor also? Were not the inventions of Harrison, and of Watt, the inventor of the steam engine, equally the works of their minds as are the works of authors? Is not the inventor of a plan to make cables by machinery equally an inventor with an author? It is to be considered, also, with respect to this invention, that it was made by an officer on his voyage from the East Indies, without the assistance of machinery of any kind. Are these inventions less the products of a man's mind than the works of an author? If a qualification is necessary in the case of a mechanic's invention, for the interest of the public, why not apply a similar qualification to an author's invention? The Honourable and Learned Member for Reading has admitted that in the case of a mechanical invention the original right of the inventor is not to be considered, but that the House is bound to take care of the interests of the public, by restraining the privileges or patents for mechanical invention from perpetuity; which perpetuity is, nevertheless, the identical object sought for authors by the Honourable and Learned Member's Bill. A Bill was recently introduced into the House to alter and amend the law respecting the copyright of the mechanical designs of calico printers. That Bill comprehended other interests, also; but the application of the Bill to calico printers will supply the illustration I want. The design of the calico printer is an original invention, and capable of improvement, equally with, and as well as, the author's. What is the existing law with respect to designs? By the existing law designs have a protection of three months, only; and by the Bill which is now being introduced, a protection for twelve months is all that is asked for, which is by some considered too long a time, and which it has been proposed to limit to six months. The House granted a Committee of the whole House to consider whether mechanics should be protected for six or for twelve months; yet the Honourable and Learned Member for Reading attempts, by this Bill, to extend the copyright of an author sixty years beyond his death, which might be considered equivalent to a protection for a hundred years. So great is the difference, then, between the invention of a poor mechanic and that of an author? Why is this? Because there are in this House authors and their friends. It is a genteel thing to be an author; and for that reason they find protection in this House. The Bill is, in reality, an author's Bill, and such a Bill as a baker, a butcher, or a shoemaker, respectively, would make for his trade, if each of them had the power to legislate for his individual business. The justice which the Honourable and Learned Gentleman metes out in his own case is different to the justice meted out to mechanical inventions. Upon the ground of public benefit he thinks it right to abridge the privilege of the mechanic; but when the principle is applied to his own trade, then the case is different, and the Honourable and Learned Gentleman cries out that the author's right is indefeasible, and that it ought not to be limited. There is another objection which I have a right to take to the Bill. It has been introduced for discussion in a very scanty House. I do not think that a measure of this kind ought to be discussed in so thin a House as this. Where, I ask, is the Treasury bench?

Several Honourable Members (pointing to the Treasury bench, which was quite empty). — There it is!

[Laughter, and cries of "Hear, hear!"]

Mr. WARBURTON.—True; the bench is there, but where are the Members of the Government? The Whigs of former times did not recognise the principle of such a Bill as this before the House. In 1774, when the famous case of Donaldson had been decided in the House of Lords, by which decision it was determined that no perpetual copyright at common law vested in the authors, these latter came down to the House of Commons, and by their petitions asked the House to give them a perpetual copyright, which, by the decision in the House of Lords, they found they did not possess at common law. A Bill was, in consequence, introduced, and many Members of high character took part in the debate. Mr. Burke took one side, and Mr. Fox took the other. Mr. Fox upon that occasion, characterised the Bill in these words: —

> I could not permit so pernicious and flagrant a Bill to pass through any stage without giving it my decided opposition.

In every stage of the Bill Mr. Fox was its decided opponent, and he complained that the Bill passed through some stages when there was a very scanty House, and a bare majority to divide upon the question. The Bill before the House is similarly positioned to that opposed by Mr. Fox, so far as the paucity of Members to discuss it is concerned. It is marvellous that the friends of education in this House do not oppose the introduction of the Bill of the Honourable and Learned Gentleman. It is of sovereign importance to educate the people by every means; and this is a Bill which will have the effect of cramping and controlling that very education which many Members of this House have declared to be necessary for the Parliament to confer, especially upon the working classes. The House, by permitting the second reading of this Bill, is virtually encouraging dear editions of books. The rights of authors might, without any serious objections, be extended to a longer time than they at present run to; but it is unjust to extend that right to a perpetuity, — which is the scope of the Bill of the Honourable and Learned Gentleman. By passing this Bill, the House will adopt a measure which they afterwards will find it impossible to undo, and will thus inflict an injury upon authors and publishers. The whole literature of the country will be thrown into Chancery, or into the courts of law, and actions will be every day occurring, and complaints every day made, that copyrights have been infringed. Authors, too, would have occasion to complain. The Bill will be injurious to authors, themselves, and applies to publishers only, in whose hands the perpetuity of copyrights will eventually reside, for all the books will be in the hands of the publishers, not of the authors. I repeat, a measure of this kind ought not to be discussed in such a House as this. The question is, in fact, *coram non judice*, from the thinness of the House; and, in the event of the Bill passing the second reading, I do not pledge myself that I will not employ every available means which the rules of the House permit, and endeavour, by all the formal objections in my power, to prevent the passing of this Bill in a future stage. If the question were debated in a full House, I would be willing to abide by their decision. With the decision of the House in its present scanty attendance I will not be satisfied. I now move that this Bill be read a second time this day six months.

Mr. WAKLEY. — I second the amendment.

LORD VISCOUNT MAHON. — I rise to support the second reading of this Bill; and I think my Honourable and Learned Friend the Member for Reading has been very unfairly blamed for not having brought forward his measure when there was a fuller attendance of Members. On what other day could my Honourable and Learned Friend bring forward his Bill with any chance of success, if he could not hope to do so on a Wednesday? As the rules and regulations of the House now stand, Monday and Friday nights are given to Government business; Tuesdays and Thursdays are appropriated to motions; so that there is no other day open to a private Member to bring forward a measure but a Wednesday. I, therefore, cannot see how, under these circumstances, the promoters of this Bill could have taken a different course from that which they have pursued on the present occasion. As the Honourable Member for Bridport will not consent to reserve his opposition for a future day, but has stated his determination to divide the House, there is no choice left to the supporters of the Bill but to enter at once into the discussion of the question. The Honourable Member for Bridport has, more than once, stated that this Bill is an author's Bill. He has said that it is such a Bill as only authors and their friends could support, and that it is framed without any regard to the public interests. Now, I do not think this measure open to any imputation of the kind; and I am not ashamed to say that, from the very first, I have taken a deep interest in its success. I cannot help adding, that the course I have taken in support of this measure has been very much influenced by the distinction existing between my own circumstances and those of many other individuals much my superiors in merit. It has been my lot to find myself born to an inheritance of competency and independence, whilst I behold others, far my superiors in intellect, in varied talent, and in reputation, placed below me with respect to the gifts of Fortune. I see men distinguished by the highest endowments of genius or of learning subjected to a struggle with difficulties and wants which they ought never to have had to encounter. The object of this Bill is, to give to the exertions of these men full and unfettered scope, and to enable them, by the legitimate employment of their genius and their labour, to procure that competency and independence for themselves which I and others possess without any merits of our own. I can see no reason why men of high moral feeling and powerful minds should not be put in a position to raise themselves by their talents to that station in society which others, less worthy, hold by the accident of birth. Surely literary property is equally well worthy of protection, and literary labour merits the same degree of encouragement as—if not, indeed, a greater degree than — is held out to other sorts of exertion. The Honourable Member for Bridport is much mistaken in supposing that booksellers and publishers are opposed to this Bill. I could point out, in the class of booksellers, some instances of men, not merely favourable to the Bill, but who have petitioned the House that it may pass into a law. Many of the booksellers and publishers have manifested the most honourable sympathy with authors in respect to the interests of the latter under this Bill. I was last year intrusted with a petition from an individual in Glasgow, in favour of this Bill, and the petition is so highly honourable to the feelings of the individual from whom it proceeded, that I am desirous to call the attention of the House to the statements contained in that petition. It is the petition of Mr. John Smith, a bookseller and publisher in the city of Glasgow, and is dated February the 22d, 1839. The petition states, —

> That your petitioner has, for upwards of thirty years, exercised the profession of publisher and bookseller in this city, which profession had previously been carried on by his grandfather and father in the said city of Glasgow. That your petitioner has obtained estate and competence by the sale of books, published or sold by him, which property he has a right to entail or give in legacy for the benefit of his heirs, while the authors who produced the works which have

> enriched him have no interest for their heirs by the present law of copyright in the property which they have solely constituted. That your petitioner is decidedly of opinion that the cultivation of the national literature would be cherished and strengthened by the proposed extension of the term of copyright. Your petitioner therefore humbly prays that the Bill to amend the law of copyright, now before your Honourable House, may pass into a law.

This is an instance of the feeling subsisting among respectable publishers with respect to this Bill; and I ask, need any Member of this House be ashamed to respond to such feelings? It is highly creditable to Mr. Smith to entertain so deep a sympathy with those whose intellectual labours have enabled him to retire upon a handsome competence. Is it not evident that the literary genius of the country requires some fostering measure? How many great works must have been lost to the nation, through the *res angusta domi* which must have fettered the energies of those who, otherwise, would — and could — have transmitted greater and more enduring memorials of their genius than those which we are now possessed of. Dryden himself has left on record, that the necessity of writing for his daily bread prevented him from undertaking a great national poem, which he had long contemplated, but which his necessities compelled him to forego, for the purpose of procuring a subsistence by "writing lewd plays for a profligate court." What was the fate of him, of whose name every Englishman should be proud, — of him, of whom it may well be said, —

Into the heaven of heavens he has presumed,
An earthly guest, and drawn empyrean air!

There is but one universal feeling of reverence for Milton in this House, and in the country. Well, then, would the House wish to know how this admiring country has rewarded that illustrious poet? Would they wish to know the fate of Milton's last female descendant? Let them hear the account of his grandaughter, as given by Dr. Johnson in his *Life of Milton*: —

> Elizabeth married Thomas Foster, a weaver in Spitalfields, and had several children, who all died. She kept a petty grocer's or chandler's shop; first at Holloway, and afterwards in Cock Lane, near Shoreditch Church.
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> * * *
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> In 1750, April 5. *Comus* was played for her benefit. She had so little acquaintance with diversion or gaiety, that she did not know what was intended when a benefit was offered to her. The profits of the night were only 130*l.*, though Dr. Newton brought a large contribution; and 20*l.* were given by Tonson (a man who is to be praised as often as he is named). Of this sum, 100*l.* were placed in the stocks, after some debate between her and her husband, in whose name it should be entered; and the rest augmented their little stock, with which they removed to Islington. This was the greatest benefaction that *Paradise Lost* ever procured the author's descendants, and to this he who has now attempted to relate his life had the honour of contributing a prologue.

Now, then, allow me to ask, — if the House sympathise, as I cannot but believe they do, with the sufferings and struggles of eminent men in times past, — why should they not take care to prevent the recurrence of similar sufferings and privations on the part of those whose genius has shed a lustre on their country? Why should we not provide for the future, by our experience of what has happened in the past? The field of poetry is not exhausted; — the birth of genius is not exhausted. It was beautifully said by him, whose genius did not disdain to shed its beams even upon the lowly graves of a country churchyard, —

Some mute inglorious Milton here may rest.

It was remarked by an Honourable Member, on a former occasion, that the love of fame was sufficient motive for an author, and that its attainment should be sufficient reward. I do not deny the power of the motive, nor the greatness of the reward; but I ask, is the reasoning just? or would you think of applying it to any other pursuit than literature? Did you tell Arkwright that the mere fame of his invention should suffice for his reward? You did not; but, on the contrary, you gave him such protection as enabled him to lay the foundation of a splendid fortune. Or did you tell the great Marlborough, when returning from Blenheim, that the fame of his victory was to be his only reward? No; you bade a palace arise to be a lasting testimonial at once of a hero's fame and a nation's gratitude. Did you tell Canning, when his health was failing under the weight of his public labours, that his posterity were to reap no reward from his exertions save the fame of his actions? On the contrary, you granted a peerage to his widow, and a pension to his son. Thus, in what respects victorious war, in political eminence, and in mechanical science, you have provided that merit should have its reward. We do not seek such high rewards for authors; all we ask is, that you will allow them to retain what is their own, — what their own brains have created, what their own hands have written. We ask that you would give them a legal title to that to which they have the highest moral claim. Sir, the objections of the Honourable Member for Finsbury, and of the Honourable Member for Bridport, resolve themselves into one. They argue that the tendency of copyright is to enhance the price of books; and thus, in consequence, to depress the cause of literature. Is that the case? Do you find that books, under copyright, are sold at an enhanced price? I do not think so; I think that under copyright the smaller description of books can be sold cheaper than when they were not so protected.

On this subject, I would appeal to the Honourable Member for Lincoln, himself a distinguished author, because I remember to have heard him say that a time would come when the remains of a quarto would excite as much surprise as the remains of a mammoth. In my opinion, the price of books will not be materially increased by the Bill now before the House, and I am about to give an instance. I have seen a splendid edition, comprising the whole of Lord Byron's poems, sold for 1*l*., and this under copyright; while a similar edition, brought out at Paris, where there is no copyright, was charged 25 francs. This, I think, is a proof that copyright does not enhance the price of good books. But I will go further: if the Honourable Member for Bridport will favour me with a few moments' attention, I think I shall be able to prove that there are some cases in which copyright makes books cheaper. I begin by requesting the House to remember that we are only discussing the case of works of great popularity and circulation. Now the copyright in such works is generally vested in a single publisher, who has it in his power to apply to several editions the various ornaments and embellishments he has had to provide for one. If, on the contrary, various booksellers had the privilege of publishing the same work, there would be required so many different sets of embellishments, — and thus the price would be increased. It is, therefore, not clear that the price of works is enhanced by the existence of copyright; and if it were, a small increase for the benefit of those eminent men to whom the public are so largely indebted would never be objected to by the people. Is there any one who has ever been delighted with the strains of Milton or of Dryden, who would regret an additional sixpence, if he thought it would contribute to the means of providing for the descendants of those great men? An insufficient degree of protection promotes the growth of light and ephemeral productions, to the exclusion of those deeper and more scientific works which look forth from the present day to futurity, for due appreciation. I am not one of those who would willingly depreciate the lighter branches of literature; I should be sorry to pluck one leaf from the laurels, or to depreciate, in the slightest degree, the labours, of those who have devoted themselves to such paths: but I say, we are now come to a period in the history of our country when the taste of that country is at stake,—when that taste has become worse than it was in the time of the Euphuists, or in the French school of the reign of Charles II. We are come to a period when it becomes our duty to encourage those who attempt to improve it. Do not make them write for immediate profit instead of permanent fame. Whether the public taste can be improved or not, I do not know; but, at least, there is something great and noble in the attempt to better it. I do feel, therefore, that, as it may induce authors to look beyond the present day, this Bill is entitled to the respect and approbation of Parliament. I am aware that a good deal of ridicule may be thrown on this part of the subject, and that it may be said that the appeal to posterity is only made by those who fail in making any present impression; but that is not the question. The question is, whether we are not to benefit by our experience of the past in making laws for the future.

Sir, there is one more point to which I wish to direct the attention of the House. I think it is important to consider what has been the recent legislation of foreign states with respect to copyright; for if it shall appear that their legislation has, for the most part, been tending to the same point, and running in the same direction, as are upheld in the present Bill, it will surely be a strong proof, or at least presumption, that these principles are the most conformable to the general growth of knowledge, and to the present spirit of the age. Now, on this foreign legislation a great deal of information has lately been acquired and collected in a valuable pamphlet by Mr. Lowndes, — a pamphlet worthy of the greatest attention. To begin with the northern states, it appears from Mr. Lowndes's book, that in Denmark and in Sweden the copyright of works has been made perpetual. In Russia, the law of 1830 granted a copyright for the term of twenty-five years after the author's decease, and for a further term of ten years if an edition should be called for within five years before the expiration of the first term. Therefore, it being admitted that the legislation of copyright is intended only for works of merit and of growing reputation, this was the same as granting copyright absolutely for thirty-five years. It appears, then, that the three northern powers, which we generally consider so far behind us in literary eminence, have yet very far outstripped us in their zeal for literary protection and endowment. To pass from Russia to a country which has lately grown into favour with Members opposite,—liberal Spain,—it will be found that, there, the law is very uncertain as to its meaning; because, as might be presumed, no works of permanent interest are now produced to try it; but, according to the opinion of M. Victor Foucher on a law of 1805 in the *Nuevissimo Recopilacion*, copyright was thereby made perpetual. In Prussia a law has very recently been passed for a considerable extension of copyright. The law of July 11. 1837, secured it for the author's life, and for thirty years to be reckoned from his death. Formerly, in that country, copyright did not descend to the author's heirs, except by an express agreement. Austria has done little more than to declare, by an imperial edict of 1835, that she would adhere to the proceedings of the whole Germanic Diet on this subject. What, then, have been the proceedings of the German Diet? As might be inferred from the composition of that body, slow, perplexed, and inconclusive. So early as June 8. 1815, it was resolved,—

> The Diet shall take into consideration, at its first meeting, some plan for uniform legislation on the liberty of the press, and also what steps are necessary to be taken to secure authors and publishers from invasion of their copyrights.

But the fruits of this "first meeting" are still to come. There has only been, after twenty-two years (November 9. 1837), a sort of convention for international copyright among the different states, and for a period of copyright to authors of two years, or, in some rare cases, of twenty. But this is admitted to be merely a temporary regulation. The whole subject is to be again discussed and decided upon by the Diet in 1842. With regard to France, the law now in force is a decree of Napoleon, dated February 5. 1810, which granted copyright to an author for his life, to his widow for her life, and, after their death, to their children for twenty years. Where an author leaves a widow and family, this law is, probably, more advantageous to him than our English term of twenty-eight years absolutely. But the French law, like ours, is considered unsatisfactory, on account of the shortness of the term. A commission was appointed in 1825, headed by M. De La Rochefoucauld; and another in 1837, headed by the Count de Segur; both of them recommended an extension of the copyright to fifty years after the death of the author, and it is probable that the subject will speedily be brought under the consideration of the Chambers. Lastly, the example of the United States is not to be passed over. Legislation on that subject, in congress, began in 1790; but the Act now in force passed on the 3d of February, 1831. It gives a copyright to an author for the term of twenty-eight years; and, if he survive that period, for a further term of fourteen. But it is very remarkable that the Report of the Judiciary Committee appointed in that year pointed to a further and very considerable extension of this boon to authors. The Report stated,.—

> Your committee believe that the just claims of authors require from our legislation a protection not less than what is proposed in the Bill reported. Upon the first principles of proprietorship in property an author has an exclusive and perpetual·—

Observe the word "perpetual" —

> right, in preference to any other, to the fruits of his labour. If labour and effort in producing what before was not possessed or known will give title, then the literary man has title perfect and absolute. We ought to present every reasonable inducement to influence men to consecrate their talents to the advantage of science.

Mr. Lowndes adds, —

> An amendment of the law of 1831, by a further extension of the term of copyright, is much talked of in America.

I think I have now gone through the principal points to which I wished to call the attention of the House. It is but seldom we have an opportunity of doing an act of generosity; our painful duty is usually to curtail, to reject, and to retrench; and I think the present opportunity should be seized, to perform a kind action to a deserving body of men. Believe me,—our decision of to-night will be anxiously watched by many a man whose life has been passed in the search after knowledge, and whose declining years are saddened by the consideration that his children will derive no benefit from his labours. In the most distant parts of England, even among the hills of Cumberland and Westmorland, will your decision be watched for; for why should I hesitate to say that those eminent men, Wordsworth and Southey, are not as independent in circumstances as they are in mind? The mention of the name of Southey reminds me of a most interesting fact connected with that great man, recorded by Doctor Walsh, in his travels in Brazil. The Doctor says, that in that great empire, which is three times as large as the British

Islands; they have no records of their early history, save an abridgment of the work of Doctor Southey. I do not believe there is in the world another instance of a great country obtaining its history through the labours of a foreigner, who had never set foot upon its shores. The Honourable Member opposite complains that this Bill legislates for a single case only. Does the Honourable Member recollect that, in legislating for a single case of distinction, we, who are legislating, are securing distinction? The path of honour is open to all, and it is not so narrow but that two or three may go abreast. There is but one Lord Chancellor or Chief Justice; but the contest for those posts is open to all the merit at the bar. On these grounds I contend that we are not legislating for an individual case; and, not from the motives imputed by the Honourable Member for Bridport, but from an anxiety to foster useful literature, I do intreat of the House to consent to the second reading of the Bill.

Mr. STRUTT. — Sir, I entirely agree with the Honourable Member for Bridport, as to the merits of this Bill. At the same time I regret that the rules of the House do not permit the Honourable and Learned Member for Reading to introduce it on an evening when he would be likely to have a fuller attendance of Members. I have to complain that the Noble Lord who has just sat down has argued as if those who oppose the present Bill objected to the existence of copyright altogether. I do not think the Noble Lord ever heard such a proposition stated, as that authors should be contented with fame as their reward.

LORD MAHON. — The Honourable Member for Finsbury said so.

Mr. STRUTT. — Oh! but that is by no means the case; for the only question is, what is the proper length to which the exclusive right should be carried. The grounds on which the Honourable Member for Reading supports his Bill are, that an author has a natural right of property in his works; but the Honourable Member forgets that property in literary works is, like all other property, the creature of law, and ought not to exist to any greater extent than is required for the interests of the public at large. The Noble Lord has stated, with some force, that it is exceedingly hard that authors should not be protected in the possession of that which they have created of their own heads and hands. But they ask more; they ask that others should be prevented from copying their works, even after they have sold them. In my opinion, the case of an author is similar to that of a person obtaining a patent, — in both cases a right exists; and this reminds me of the Noble Lord's allusion to Mr. Arkwright's, — not a happy one for the Noble Lord's argument. Mr. Arkwright had his invention secured by patent, but only for fourteen years; and it was insufficient to protect him: and yet the Noble Lord would mention this as a case justifying his complaint that twenty-eight years is not a sufficient length of copyright. But the Noble Lord (Mahon) has gone a step farther, and has contended that copyright does not enhance the price of works; on the other hand, I rely on the doctrine which has prevailed ever since the days of Adam Smith, — that monopoly is the parent of scarcity and dearness. The Noble Lord mentions the case of illustrated works, which he says can be produced at less expense under copyright. That may be the fact; but it does not follow that the publishers would sell them at a less price. The Noble Lord has given us no security that the publisher will not put the gain into his own pocket. On the other hand, I hold in my hand a list of works of merit, the price of which has been considerably reduced since the expiration of the copyright. Hume and Smollett's *History of England*, while protected by copyright, sold for 3*l.* 10*s.*; it now, under competition, sells for 1*l.* 5*s.* Gibbon, under copyright, sold for 2*l.* 8*s.*; it now sells for 1*l.* Robinson's works formerly sold for 3*l.* 4*s.*; they now sell for 1*l.* *Blair's Sermons*, a work of great merit, which sold under copyright for 1*l.* 2*s.* 6*d.*, can now be obtained for 6*s.* In the list I see, next, Bishop Horsley's *Sermons*, selling, while copyright, for 17*s.*, and now to be obtained for 8*s.* Doddridge's *Family Expositor*, published at three guineas, now sold for one. In fact, I might produce a much longer list to prove the enhancing effect which copyright has on the price of books; but I consider that I have adduced quite sufficient for the purpose. I am not prepared to abide strictly, in all cases, by the present extent of copyright; it is extremely inconvenient that copyright should terminate with the life of the author, and I think it might be well to vest in the Privy Council a power to grant an extension in particular cases. I should be happy to see this question referred to a Committee up-stairs; not with the view of giving authors an absolute and unlimited power in the property of their works for perpetuity, but to determine how far the present term of copyright might be altered, so as to promote the best interests of the public at large. If this Bill be thrown out, I will support a motion to that effect; but I never will consent to give my sanction to a measure like the present, which appears to me, in principle and detail, wholly erroneous and indefensible.

SIR ROBERT INGLIS.—I claim a vote from the Honourable Member for Derby. I am sure the Honourable Member cannot refuse it, after having distinctly stated that the present law of copyright is imperfect, inasmuch as it may terminate with the life of the author. I am glad to perceive, amidst the many discouraging circumstances with which this Bill has to contend, that there is one of a different and compensating character, and that is, that the discussion has evoked no party hostility, nor the slightest appearance of personal acrimony. I cannot, however, at the same time, avoid expressing my regret that this most important question has not been considered of sufficient importance to attract a fuller House; but still I find some consolation in thinking that, without having excited the slightest party feeling, it has, on three separate occasions, been sanctioned by large and increasing majorities. It was said, when the subject was last under discussion, that posthumous fame was the grand stimulus to the production of works of rare literary and scientific merit; but what right has the Legislature to exclude those who naturally look to the rewards of parental genius from a fair share of its emoluments? It is the misfortune of circumstances, that those who write for posterity are generally unsupported by their contemporaries. Shakspeare, so far as can now be ascertained, never received a single pound profit from his works; but if any of his descendants now existed, and possessed a fair share of copyright, they would be among the wealthiest in the land. If Blenheim be now justly considered the brightest jewel in the coronet of the Marlboroughs, why should the descendants of those who gave immortality to English literature be excluded from all participation in the profits of their genius? On the principle, then, that those who do most for the intellectual glory of the country have the highest claim on popular support, I say that we are strictly bound to pass some such measure as that now before the House. That measure will, in my opinion, fulfil, to some extent, the end I have in view; and for that reason I will accept it from the Honourable and Learned Member for Reading as a fair and reasonable compromise. It is conceded, on all hands, that the subject deserves inquiry; and I do not see what difference there can be between an inquiry before a Committee up-stairs, and such a one as I hope will follow this motion. If the principle be conceded that some encouragement should be given to good authors, the length of copyright is merely a question of detail. The Honourable Member for Bridport has treated this as an author's Bill; but his arguments show that he wishes to make it exclusively a reader's Bill. I, on the other hand, view the interests of authors and readers as identical, and therefore I support this Bill. The Honourable Member for Derby (Mr. Strutt) has admitted that there should be an inquiry upon this subject. There is no substantial difference between an inquiry up-stairs and in Committee of the whole House; and therefore I think I have a fair claim upon the Honourable Member's vote for the second reading of this Bill, which I contend will be inoperative of any thing bad, and productive of much that that will be beneficial both to authors and to the public.

Mr. WAKLEY.—I think that the Honourable and Learned Member for Reading may fairly prognosticate what will be the ultimate fate of his Bill from the present state of the House. He may perceive that, in the opinion of the House, the Bill is a doomed measure. If Honourable Members took any interest in the measure, they would attend in greater numbers, especially when they knew that an eloquent speech might be expected from the Honourable and Learned Mover. That Honourable and Learned Gentleman has addressed the House several times with great feeling and fervor on matters connected with this subject; but in all his speeches he has altogether failed to show any good ground for the House interfering in the case. He has been asked, again and again, to consent to a Select Committee, where the matter would get a careful consideration; and if he will do so, I, for one, will withdraw my opposition. The Honourable and Learned Member is silent, and therefore I suppose that the Honourable and Learned Member dissents from the proposition: but is it fair to the public to endeavour to legislate on this subject without due inquiry? No such inquiry has been made; and if we proceed as the Honourable and Learned Member asks us, we shall be legislating without the facts. The Right Honourable the Member for Pembroke could not, this evening, perceive that the Bill had any connection with the interests of trade. He cannot have read it, or he would have perceived that it interferes, in an extraordinary degree, with the interests of the trades of printing and publishing. How could it be otherwise, seeing that the direct effect must be to increase the author's profit on his books? The Noble Lord the seconder of the motion has asserted that the Bill would benefit authors of a certain class without injuring the public; but how has that statement been proved? Not one fact has been brought forward to show that there was any truth in such an allegation. The Noble Lord said, also, that Dryden was obliged to compose ribald plays for a corrupt court, instead of a grand poem; but the truth is, that the composition of a grand epic poem would not have supplied him with the means of maintenance. The Noble Lord also adverted to the case of Milton; but in the time of that great poet the right of copy was assumed to be perpetual: and what did Milton get for his *Paradise Lost?* The sum has been differently stated; but it varies from 5*l.* to 15*l.* Can the Honourable and Learned Gentleman fail to recognise the benefits which authors have derived from the art of printing; and are not printers as much entitled to protection as authors? I think we cannot doubt the assertion of the Honourable Baronet opposite, that there are no politics mixed up with this question, when we see the Honourable and Learned Serjeant himself assisted by such sound Conservatives as the Noble Lord the Member for Hertford, the Honourable Member for Newark, and the Honourable Baronet himself. The Honourable and Learned Serjeant prides himself on the connection; but I am sure, if he considered the matter, he would not enter into any league, the object of which was to withhold education from the people. As the Honourable and Learned Gentleman has spoken of the freezing and chilling effect of science, he cannot be astonished if men of science regard the character of this Bill with suspicion. I would entreat the Honourable Member to pause. I know he is actuated by good motives, but I would entreat him to bring his mind vigorously to bear on the question, and to look to national more than to individual interests. Let us rely rather on the evidence which will come before a Select Committee, than on the excitement of feeling which the Honourable and Learned Member may create by his appeals to the House. I do not know how it can be said that Honourable Members take great interest in the measure; but this I do know, that I saw an Honourable Member, a supporter of the Honourable and Learned Serjeant's motion, this evening, endeavouring to get a pair; and on asking him "did he understand the question," he told me that "he knew nothing about it." My Honourable Friend the Member for Bridport, having thoroughly investigated the subject, is prepared to give this Bill his most strenuous opposition, on no other grounds than an imperative sense of public duty. He could be influenced by no other; he is not an author disappointed at the measure of approbation which the public have awarded to his works; he is no publisher dissatisfied with the amount of his profits; he is, in fact, the last man in the House to be affected by such a Bill. It is very easy to foresee what will be the fate of this Bill. We shall continue for some weeks struggling about it every Wednesday evening, until at last the Noble Lord the Member for Stroud, and the Right Honourable Baronet the Member for Tamworth, will apply their minds to the consideration of the subject, and the former will get up in his place, and say, "This is really a very important subject, involving great public interests, and I think it should be referred to a Committee of Inquiry;" the Right Honourable Baronet will agree with the Noble Lord;—and there will be an end to all our attempts at legislation upon it. For all these reasons, I again entreat the Honourable and Learned Member to consent to the only measure which can give him a chance of success, namely, to refer the whole matter to a Select Committee.

Mr. EWART.—I beg to echo the proposition of the Honourable Member for Finsbury, as I do not consider this merely as a question between authors and publishers, but as one of paramount public interest. The Noble Lord has instanced the rewards of Canning and Marlborough as a reason why authors should receive this term of copyright as their reward. But let me ask the Noble Lord whether the rewards of Canning and Marlborough deprived the public of a great good?

At the present moment, there is among us a greater taste for reading than ever before was known, and education is notoriously far cheaper than it ever before was; and such, indeed, is the tendency of the present times to encourage cheap publications, that a work like *Butler's Analogy* can be purchased for about 10*d.*, and Sir Walter Scott's novels for 1*s.* each. I ask, then, if, with this desire on the part of the public, to obtain cheap publications, it is wise to do that which will tend to render such publications dear, and close the doors of cheap instruction and information against the public? I say, Sir, that these are times when we ought rather to open those doors. And if I am asked how I would do justice in a case of so great importance, I should be very much inclined to adopt the suggestions of the Honourable Member for Derby, and the Honourable Member for Finsbury. I would make the term of copyright a question of equitable consideration in special cases, leaving it to the Privy Council, or some other tribunal that might be invested with the power, to decide as to such term with respect to its extent, and its renewal, if, after the expiration of such term, it should seem advisable to renew it. I do not think that in this country we ought to be fettered by those considerations which prevail in many others; as, for instance, in France,—a country, however, which will, no doubt, at last be called upon — when a greater and more general desire for reading shall prevail there — to extend all necessary facilities for such an object. I would ask the House whether, in the case of that large class of writers who are mere compilers, the extension given by this Bill ought to be conceded, and whether we ought not to guard against any infringement upon the protection which the public at present enjoy in the cheapness of that description of works which those persons produce? With respect to the copyright of designs, which is based upon the same principle as literary copyright, we have this distinction — that we are not asked in the case of designs for one uniform term of protection, — some having a shorter and some a longer term; whereas this Bill includes all kinds of literary productions in the same provisions. With regard to patents and inventions, too, I very well remember that the Report of the Committee upon that subject, on which I had the honour of sitting, strongly recommended that they should not be all equally protected by one uniform term. With the warmest desire, then, to do justice to the public, I cannot, without seeing my way better than at present, consent to alter the existing law. I ask my Honourable and Learned Friend how he can better convince the public of the justice of his measure than by consenting to the appointment of a Select Committee upon the subject? He will, if he consents to this proposition, be able to appeal to the Report of the Committee in support of his views; and if he can then show that they are right, and that his theory is founded on facts, there can be no doubt that his measure will gain the support of this House and the country.

Mr. CHARLES BULLER. — I am anxious, Sir, on the present occasion, merely to repeat what I have at other times said with respect to the Bill of my Honourable and Learned Friend; and I must confess that I cannot, with many of my Honourable Friends on this side of the House, join in the objection that the present House is too thin for this discussion, because I think that this subject would not have so fair a chance of being so well considered in a fuller House. It is a subject which is happily free from all party considerations; and I am sure that in anything like a full House, I, for one, should almost be afraid to offer an opinion upon so difficult and important a subject, or to state the conclusions to which I might have come — as I now do, indeed, with very great diffidence, the arguments being so nicely balanced — as to my vote respecting it. I have, however, come to the determination of giving my vote in the present instance in favour of the second reading of this Bill, and on this simple ground, that, requiring, as I do, further information upon the subject, I would rather let the Bill proceed, with the view of eliciting as much discussion and opinion upon the matter as possible. I by no means intend to be understood as despising the analogy with respect to the rights of property which has been held out by many Honourable Gentlemen,— though no man would propose that there should be the same right of property in the contents of a book as over material property, — or that there is any anology between the dominion over the naked ideas of a man's mind and over material things; but it does appear to me that there is a great analogy between material property and that which is the produce of a man's labour. The simplest notion of property is, that a man should have a property in that which is the creation and produce of his mind; and in my opinion the fundamental idea of a right of any man with regard to the result of his own labour, is, that he himself creates a property in the labour of his mind. But many of the greatest discoveries of men's minds cannot be made property; as, for instance, that which is one of the most important discoveries in the annals of the world — the discovery of the continent of America by Columbus. I might also instance the discovery of the circulation of the blood by Harvey. These are discoveries of vital importance, but which cannot be protected as property. Now, when you see piles of books filling up and crowding every house and shop you go into, I say that that is a sort of property which you can protect and secure to the benefit of the authors and their descendants. I must say that I concur with the Honourable Member for Derby, that all law as to property is sought to be created in accordance with what is the opinion of the law itself of the work to be protected, with a due regard the public good; but, at the same time, I must also say that it appears to me to be inconsistent with the progress of the age, and the prevailing state of civilisation, that the only labours a man shall not profit by, are the works of his own mind; — works which, perhaps, may be of the greatest value to the country. If you could make Locke's *Essay on the Human Understanding* property, can it be doubted that you would confer the greatest benefit upon the community at large? And nothing could be more cheering and grateful than to see the descendants of Milton and Locke rewarded and honoured for the genius and the labours of their great ancestors. Besides, pecuniary motives might operate most beneficially by encouraging solid instead of fugitive literature, and more especially with regard to great historical works; because, where there was protection, many a writer would say, "I will rather write a history, that may have a chance of living for many years, and that will be a future source of profit to my descendants, than a novel, which will only live three or four years, and produce but an immediate, transient benefit to myself. I think, therefore, that the tendency of this Bill is certainly to encourage solid literature rather than that of a lighter and more frivolous character. As to the objections that an extended copyright would make books much dearer in price, I am by no means satisfied that it would have any such effect. I know that just at the time when copyrights in many works expires, a very great change takes place in the system of the publishing trade, and that there has been great collusion among publishers, it having been found out by the booksellers that much more is to be gained by selling a great quantity of books at small prices, than a small quantity at great ones; that selling at low prices, in fact, produces a better market. In the present day, however, there are still to be found instances of very considerable prices being given for the copyrights of publications; and I refer more particularly to that large class of works which appear from time to time in Lardner's *Cabinet Library*. Great prices, I believe, have been given for such works as Sir James Mackintosh's *History of the Revolution*. I believe, also, that a large price was paid for Mr. Thirlwall's *History of Greece*, and a work of Mr. Milman in *The Family Library*. I may be speaking rather at random ——

[Cries of "Hear, hear, hear!"]

but I am told that there is a publisher who makes a practice of selling at a cheap rate all the volumes in which these works are contained; and this shows, at once, that copyright does not always interfere with prices.

An objection has been raised that there is no clause in this Bill to prevent the suppression of works; and I certainly think that it does not afford any guarantee or security in that respect. With regard to such a work as Gibbon's *History of the Decline and Fall of the Roman Empire*, I would instance that as a book which, falling into the hands of some conscientious man, might have induced him to think it a duty to suppress the copyright of such a work. The Bill, too, I think, is faulty in another respect. It proposes that the property in books, which is to be inherited, is to be divided among the descendants of the authors; — but how, I would ask, is it to be divided? How, after all the precautions that my Honourable and Learned Friend might have taken that the descendants of a learned man should enjoy such property, does this Bill secure it to them? The Bill ought not only to create the property, but it should also secure to the decendants of a literary man, the sole right in his works, by entailing it upon them; or else, is it not most probable that some stupid or profligate descendant might alienate it? Might not some foolish Shakspeare or Milton squander the property, or some more prudent person purchase it of him for a mere trifle? What I am chiefly afraid of, however, is — that the result of this Bill will be, that, in nine cases out of ten, the booksellers will succeed in buying the copyright, outright. I cannot but remember that Goldsmith was arrested for 1*l.* 10*s.*, and that in this difficulty, and to prevent the necessity of getting out of the dilemma by marrying his landlady, —

[Laughter.]

he got a bookseller to give him the small sum of 8*l.* for the copyright of one of his immortal works! Now, I wish as much as any man can do, to promote the interests of authors; — I wish to see created a literary property, and that property secured — as far as it can be secured — to the descendants of learned men; but

I cannot refrain from expressing a doubt that this Bill will have such an effect, or produce such a result. I must confess that I rather incline to a suggestion that was thrown out, on a former occasion, by the Noble Lord (Lord Howick) the Member for Northumberland, who said that he would prefer some plan similar to that which was adopted by the Honourable Baronet the Member for Lincoln, with regard to the Dramatic Authors Bill, and which is admitted to have been of such great advantage to that branch of the literature of the country. I think that, if we could insure that, wherever a work is sold, the author shall have some profit out of such sale for a term of sixty years, or more, although the difficulties attendant upon such a plan are many, some such plan is, nevertheless, possible. I shall, however, certainly vote for the second reading of the Bill, to-night, as I think that, wherever there is a doubt, it is better to give it in such a manner as to promote, rather than check, the discussion of the question. At the same time, I cannot but say, that I think my Honourable and Learned Friend would do well to listen to the suggestion that has been made on this side of the House, because the merits of the question might be fully discussed before a Select Committee of this House, independently of this Bill being one which I certainly think — affecting, as it does, so many interests — should emanate from the authority of such a Committee. The Bill has not hitherto gone at such a railroad pace, in its progress through the House, as to let a Committee seriously oppose that progress; and I really believe that, after having the different views which different interests take of the subject fairly stated before a Committee, such a course would, in the end, be found to have been better for the Bill itself than to persevere in pressing through the House a measure that is met by so many objections.

Mr. JOHN JERVIS. — I also think, Sir, that it will be much better for the Bill itself that my Honourable and Learned Friend should adopt the suggestion that has been offered. There are four different parties which ought to be considered with reference to the bearing of this measure, — the authors, the booksellers, the publishers, and the printers; and I stand here to defend the interests of the printers, who have very material evidence to lay before a Committee, should a Committee be granted, and who, it must be acknowledged, are a very important class of persons in considering a measure of this nature, and have very important interests involved. I had, on a former occasion, the good fortune to represent the interests of both printers and publishers; but my Honourable and Learned Friend has now endeavoured to satify the publishers by affirming their interests, and, at the same time, compromising those of the public. But what are the effects that are, even now, produced on the publishers by this Bill? They said, before, that not one farthing would be gained by authors beyond the expiration of the extended term of copyright; — and have they altered that opinion now? They still say the same thing. With regard to the printers, they have a great amount of capital at stake, and they will be interfered with by this measure, if it pass into a law, in a most important degree. No man can doubt that, if it were possible to give to the authors all the benefit that could be derived from their works, it would be wise and proper to do so; but that cannot be done without involving the interests of the public. This Bill tends inevitably to a perpetual copyright; and I find that my Honourable and Learned Friend has indirectly adopted the same principle in this, as in the former one, with respect to the proof to be given before the Court of Chancery that works are out of print. But how, I wish to ask my Honourable and Learned Friend, is that fact to be ascertained? If this cannot be done, why, then there is an end of the Bill, — it being quite plain that the machinery of my Honourable and Learned Friend is not, by any means, sufficient for his own purpose. As to what the Noble Lord opposite has said with respect to maps, is the House aware what are the facts relating to such cases? Does the House know that a plate which may have cost, perhaps, 5*l.* or 6*l.*, may be carried to another plate for 10*s.* by means of tracing paper? I think that the argument of the Honourable and Learned Member for Liskeard as to the fact of many valuable works being now to be purchased at a very cheap rate, is well founded; but what would have been the fact if a strict monopoly, on the part of the authors, had in the mean time been going on? The reason of the cheapness of those works is only to be found in the fact, that they who are obliged to pay large sums of money for the works in the first instance, are compelled to resort to ow prices in selling them, in order to obtain an adequate remuneration. Let the House look at the price that must be paid for a copy of Clarendon's *History of the Rebellion* for a proof of the baneful effects of extended copyright. Here we have a work which might—and ought, long ago, to—have been published in a cheap and popular form; but the price is now so high, that it operates like a perpetuity of copyright, and so desirable a result cannot be effected. Before my Honourable and Learned Friend brought forward this measure, I should like to know if there existed any complaints, on the part of authors, of a want of adequate remuneration, or whether there was any dearth of literary merit in the country? The fact, now, is—that there are scarcely any petitions in favour of the Bill; but we have it discussed, from day to day, till the end of the Session, when the House expresses an opinion that the subject to which it relates has not been sufficiently inquired into, and that there is no evidence to justify the House in such a step as the Bill involves. I therefore would sincerely recommend my Honourable and Learned Friend to attend to the suggestion that has been thrown out. I am so satisfied of the justice of the case of the printers, and so sensible of the truth of what has fallen from my Honourable and Learned Friend the Member for Liskeard, that, unless there shall be a full inquiry gone into upon the subject, before a Committee up-stairs, I shall find it to be consistent with my duty to offer every opposition to this Bill which the forms of the House admit of; but, at the same time, I will add, that, if the matter be fairly discussed up-stairs, and the result shall be that a Committee report in favour of the measure, I, for one, will give it my support, and offer it no further opposition.

Mr. HUME.—I have listened, Sir, with great attention to all that has passed, and am exceedingly sorry to find the public interests so much neglected as they appear to be by the supporters of this Bill. We have heard much of the rights of authors; but if authors have that property, which it has been shown by many Honourable Gentlemen that they have, why, I would ask, should they come here for a new law? I have always objected to the Bill of the Learned Serjeant, because I am of opinion that it would have a tendency to check that great disposition to reading and instruction to the spread of which nothing has so much contributed as the reduction that has of late years taken place in the price of almost every sort of publications. The Honourable and Learned Gentleman now comes forward and advocates the interests of authors, treating them as a class of individuals quite distinct from the rest of the community. And why? No doubt the generality of authors are men of talent and genius, and no man is more desirous than myself to see them receive the proper reward of their labours and their usefulness: but the object which we, who oppose the present Bill, have in view, is, to render that means of instruction which these authors, to their great honour, confer upon society, of as wide and general utility as possible. It has been said that an extended copyright would tend to render books cheap; and the Noble Lord opposite has recommended us, the people of a free and liberal country, to copy the example of Russia, where, he says, copyright is perpetual.

LORD MAHON.—Copyright in Russia only extends to 85 years.

Mr. HUME.—But does the Noble Lord mean to recommend us to take for our model a country where, as in Russia, there is not a single act done that is not in open and direct hostility to the true principles of liberty?

Several HONOURABLE MEMBERS.—Hear, hear!

Mr. HUME.—We know that they, whose constant wish it is to keep the people in a state of ignorance and oppression will naturally use every means to check knowledge and education in their progress; but they, who are the advocates of liberty, and wish to see education spread abroad through the land—sound moral and religious education—have contributed to produce that pleasing result of their labours in the cause, which is evinced in the sale of millions of copies in consequence of the great reduction in the price of publications. It appears to me that this Bill has a tendency to stifle knowledge, and that my Honourable and Learned Friend wishes to hide even his own splendid talents under a bushel: it is an attempt to drive us back to the days of darkness; and such an object, surely, ought not to receive the sanction of this House. I say that the discussion of this measure ought not to be allowed to go on, for there have scarcely been forty Members in the House since it commenced; the Government are all absent, and there is only one Gentleman on the Treasury bench, and he (Sir George Strickland) is not a member of the Government. This is a Bill of great importance, and one which ought not to be brought forward when there is not a single member of the Government here to defend it. I cannot but express my regret and surprise that an Honourable Member professing such liberal opinions as those which have ever hitherto characterised the Honourable and Learned Serjeant, should now come forward and attempt to establish a monopoly in favour of authors, careless of the millions who, but for this Bill, should it unfortunately pass into a law, would be enabled to possess the means of instruction and enlightenment. I repeat that this is an attempt to throw us back to the days of darkness.

[Cries of "Oh, oh!" and, "Divide!"]

Let not the House be in a hurry; we will divide presently. I am willing to believe that no man more highly values the blessings of education than the Honourable and Learned Gentleman himself; and I would ask him to reconsider the step he is now pressing us to take. Why should be wish to legislate on this subject without fuller information? I am convinced that before a Committee of this House, a body of evidence could be produced such as would refute all the arguments that can be used in support of this Bill, and show that while it would benefit one individual, it would be a loss and an injury to millions; and if we cannot do this, if a Committee be granted us, I, for one, will withdraw all further opposition to the Bill. The Honourable and Learned Gentleman will not consent to a Committee, because he well knows that he will be beaten if he do. The Gentlemen on the opposite benches are not the advocates and promoters of education; and I must say I am surprised that the Honourable and Learned Serjeant should now back himself with such support as theirs, for they are men of whose support he ought to be afraid,—enemies as they are of education, and opposed as they have always been to the liberties of the people. I do not speak without book, Sir; and I would entreat my Honourable and Learned Friend to be aware of what he is doing: I would entreat him to be cautious as to what he is about ——

[Laughter, and cries of "Oh, oh!"]

lest he lend himself to the accomplishment of evils most severely to be deprecated. He is not ignorant of what history tells us of the means employed by the opponents of liberty and enlightenment, in creating a monopoly of knowledge and instruction. He may depend upon it that the establishment of such a monopoly will be the effect of this very Bill.

[Cries of "Oh, oh!"]

Ay:—he will look back and regret the course which he is pursuing when it is too late; and I beseech him, if he thinks he has a good cause, to let the Bill go before a Committee up-stairs. But the Honourable and Learned Gentleman is acting under the conviction that his cause is not a good one, and is obliged to look for support, and a majority, among the Honourable Gentlemen opposite. On these grounds, then, Sir, and with these views, I can only say that I will on this occasion, as well as on all others, oppose the Honourable and Learned Gentleman's Bill, so long as he refuses to consent to the proposition for a Select Committee to consider this subject.

Mr. SERJEANT TALFOURD. — I confess, Sir, I do not regret that I gave way to the Honourable Member for Kilkenny,—not because he has said anything on the real merits of this Bill, but because he has shown that nothing more can be said upon it. He has introduced party spirit into the discussion of a measure which ought to be independent of all party considerations, and which was, last year, supported by the Chancellor of the Exchequer, by the Honourable and Learned Member for Dublin, who expressed himself in favour of a perpetual copyright, and by many other Honourable Members on the same side of the House with the Honourable Member for Kilkenny himself, who now attempts to deprive us of our only resting place from the introduction of party topics. Why, Sir, how can he call this a party question, when he finds the names of William Wordsworth, of Thomas Campbell, of Thomas Moore, of Leigh Hunt, of Mr. Carlyle, of Harriet Martineau, and many other persons of high literary eminence, among the petitioners in favour of this Bill?

[Cries of "Hear, hear!"]

I will tell the Honourable Member for Kilkenny, and also the Honourable Member for Finsbury, that I will not be deterred from giving an honest vote on any measure, merely because it may happen to be supported by Gentlemen on this (the Opposition) side of the House. It is not the first time I have met with support from them, and I will ever give them my support also, when they show a disposition to allow others the privilege of thinking for themselves. I have been taunted with bringing forward this measure before a thin House, and with the Treasury bench empty. But night after night, last Session, did I attempt to bring forward my Bill, at great sacrifice of time, and great inconvenience to myself. At last I was able to bring it in; and in a House in which ten Cabinet Ministers were present, and upwards of a hundred other Members who were in my favour, six hours were spent in opposing — not discussing — the question. I afterwards came down on fifteen or sixteen several nights in order to bring on another stage of the Bill, and, although I had the promise of the support of the Government, I was obliged to withdraw it at last; and I cannot but think it is most unjust now to taunt me with bringing it forward in a thin House. It has been pressed upon me, from various quarters, to allow the Bill to go to a Select Committee; but is not this the same proposition that was made, discussed, and negatived, two years ago? At that period, my Honourable and Learned Friend the Attorney General, and the Right Honourable and Learned Member for Ripon, were opposed to the measure; but now, the former is ready to accede to it, and the latter, if in the House, would — and I am proud that I have his authority for saying so — vote for the second reading to-night. The truth, however, is, that there are no new facts which call for inquiry; and this, I submit, is manifest from the arguments of the opponents of the Bill, who have only repeated over and over again the arguments which were used on former occasions, still asserting that the public will be injured, and that the price of books will be raised. It has been said, that only one out of every 500 authors would be benefited by this measure. No doubt, the works of only one out of every 500 authors ever reach the distinction of that bright reward, the stamp of time: but still, as those who succeed to this extent are the lights and ornaments of the age, they form the very cases for which we ought to legislate; — for, in legislating for them, we are legislating for the world. I cannot admit the truth of what the Honourable Gentlemen opposite assert, when they say that, for one author who would be benefited by this Bill, 6000 of the public would be injured. This is a mere fallacy; because the public could only lose in the proportion in which the author gained, and there could not be any gain or loss at all for twenty-eight years to come. The Honourable Gentlemen have entirely misunderstood the provisions of the Bill. If the Bill had any tendency at all to make books dear, at all events it could only make the particular book dear which would be stamped with the impress of time. The magazines and reviews would have passed away, but the one book would live and take the benefit of the extended term; and, I own, I am quite at a loss to know how, in such a case, the author alone would receive gain, and 5000 or 6000 of the public be injured. Yet these, Sir, are the considerations that are held out to me, forsooth, to induce me to submit this question to the chance of a Select Committee! I am exceedingly obliged to my Honourable and Learned Friend the Member for Liskeard for his excellent speech; and, as the House has now before it a statement of the case on both sides, I can only say, that if I had heard any one suggestion that would have removed any doubt which may exist on the subject of this Bill, I would readily consent to a Select Committee. Some persons seem to imagine that there is a kind of magic in the words "issuing a work from the press," and that, when once issued, it becomes the property of the world for ever, without any consideration for the author whatsoever. I do not understand what the public mean by what they call their "vested rights" in an author's works; and I differ from those Honourable Members who deny an author's right of suppression; for I think that even Gibbon might, when dying, have wished to blot out from his work the two chapters, and the notes interspersed throughout the *Decline and Fall*, which operate so insidiously and injuriously against religion. With respect to Clarendon's *History*, that work stands upon peculiar grounds, being the property of a university; but even that work is now to be obtained by the public at the moderate price of 15*s*. The copyright in Campbell's and in Rogers's poems still subsists; but, notwithstanding, the poems of the one are to be had for 2*s*., and of the other for 1*s*. 6*d*. Now, with respect to what has been said concerning patents, I confess I can see no analogy between the two cases. The fact is, that by the common law of England copyright has been perpetual; and this was decided in the case of "Donaldson *v*. Beckett," in the King's Bench, by three judges to one, and afterwards by nine to two in the House of Lords, although a majority of Peers, consisting of Lord Mansfield and others, considered that the right had been taken away by the statute of Anne. The question, then, is, are we to encourage light and ephemeral literature at the expense of those works which confer lasting advantages upon the public? It is said that authors now get large sums for their works, and, no doubt, in many instances they do; but I think that that is a proof of the necessity for this Bill; because publishers induce authors, under the present system, to write and fritter away their time upon light and frivolous works of fiction, and articles for magazines and reviews. Let us, then, do that which will encourage more enduring study and a higher class of literature, convinced — and I, for one, am convinced, — that after ages, as well as the people of these times, will say that this House will have done a great good, if it shall pass a measure for the benefit of those who, by the exercise of the noblest faculties of the human mind, confer such lasting blessings and benefits upon the world.

[Cries of "Hear, hear!"]

The SPEAKER. — The motion is, — "That this Bill be now read a second time;" to which an amendment has been proposed, to leave out the word "now," and, at the end of the question, to add the words "upon this day six months." The question is, "That the word 'now' stand part of the question."

The House then divided: — Ayes 59; Noes 29; — Majority 30.

AYES.

Acland, Sir T. D.
Acland, T. D.
Aglionby, Major
Arbuthnott, Hon. H.
Attwood, W.
Bagge, W.
Bailey, J. Jun.
Barry, G. S.
Blair, J.
Broadwood, H.
Buller, C.
Cole, Lord Viscount
Conyngham, Lord A.
Curry, Mr. Serjeant
Darby, G.
Du Pre, G.
Eastnor, Lord Visct.
Eliot, Hon. J. E.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goulburn, Rt. Hn. H.
Grimsditch, T.
Grimston, Lord Visct.
Handley, H.
Henniker, Lord
Howard, P. H.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jermyn, Earl
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Lincoln, Earl of
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Maunsell, T. P.
Milnes, R. M.
Mordaunt, Sir J.
Pakington, J. S.
Parker, R. T.
Pigot, D. R.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Round, C. G.
Round, J.
Shaw, Rt. Hon. F.
Sibthorp, Colonel
Stanley, E.
Stuart, W. V.
Strickland, Sir G.
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Turner, E.
Wood, G. W.
Wyse, T.

Tellers.
Mahon, Lord Visct.
Talfourd, Mr. Serjeant

NOES.

Baines, E.
Blake, W. J.
Brotherton, J.
Bruges, W. H. L.
Dennistoun, J.
Ewart, W.
Greg, R. H.
Grote, G.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Jervis, J.
Lushington, C.
Marshall, W.
Muntz, G. F.
Pryme, G.
Salwey, Colonel
Smyth, B.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thornely, T.
Turner, W.
Villiers, Hon. C. P.
Wakley, T.
Wallace, R.
White, A.
Williams, W.
Yates, J. A.

Tellers.
Warburton, H.
Hume, J.

Main question put, and agreed to; Bill read a second time, and committed for Tuesday next.

SUPPLY.— WAYS AND MEANS.

Committees deferred till Friday.

PUBLIC PETITIONS COMMITTEE.

Seventh Report brought up, and read; to lie on the table, and to be printed.

PAPERS.

Major Handley. — On the motion of Mr. Handley, Address for — "Copies of all the Papers laid before the Lord Chancellor by the authorities of the county of Lincoln, having reference to certain differences which took place between Major Handley and the Rev. W. Waters, magistrates."

Agreed to.

British Northern Colonies. — Return (presented 14th of February). — To be printed.

Adjourned at ten o'clock.

HOUSE OF LORDS, JOVIS, 20° DIE FEBRUARII, 1840.

APPEALS.

Persse *v.* Persse. — Further and fully heard, and consideration adjourned *sine die.*

De Montmorency *v.* Devereux. — In part heard, and adjourned to Monday next.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company. — To be heard on Monday next.

Bligh *v.* The Chelsea Waterworks Company. — Joint petition of the appellant and respondents for leave to withdraw the appeal. — Read, and ordered as prayed.

The Skinners' Company *v.* The Irish Society. — Two petitions of certain of the respondents for leave to print a joint appendix.

Kerr *v.* Cochran. — Petition of the appellant to restore appeal.

Read, and referred to the Appeal Committee.

Sir N. M. Lockhart, Bart. *v.* Macdonald (or Moreton). — Appeal presented, and respondent ordered to answer in four weeks.

Smyth *v.* Nangle.—Copies of pleadings and proceedings on the part of the appellant. — Delivered (on oath) at the bar.

QUEEN'S ANSWER TO ADDRESS OF FRIDAY LAST.

Reported by the Lord Chancellor, as follows: —

" I thank you for this dutiful and affectionate Address. I feel deeply your approbation of my choice; and it gives me great satisfaction to find that an event so essential to my domestic happiness is also considered conducive to the interests of my people."

The Address and Answer ordered to be printed and published.

PAPERS.

Copy of a General Order of the Poor Law Commissioners for England and Wales, relative to out-door relief. — Delivered (pursuant to Act), and to be printed.

Report of the Inspectors of Factories, for the half-year ending 31st December, 1839. — Delivered (by command), and ordered to lie on the table.

Copy of the last Report from the National Vaccine Establishment to Her Majesty's Principal Secretary of State for the Home Department. — Delivered (pursuant to Address of the 3d instant), and to be printed.

PRISONS ACT AMENDMENT BILL.

Read a third time (according to order), and passed; and sent to the Commons.

TRANSFER OF AIDS BILL.

Read a third time (according to order), and passed.

PRINCE ALBERT'S ANSWER TO THE LORDS' ADDRESS.

The Lord President reported the Answer of His Royal Highness Prince Albert of Saxe Coburg and Gotha, to the Message of Friday last, as follows: —

"I return the House of Lords my warmest thanks for the Message which you have now delivered.

"I learn with lively satisfaction their approbation of the choice which Her Majesty has made; and it will be the study of my life to justify the favourable opinion which you have now expressed."

The Message and Answer to be printed and published.

THE DUCHESS OF KENT'S ANSWER TO THE LORDS' ADDRESS.

The Lord President reported the Answer of Her Royal Highness the Duchess of Kent, to the Message of Friday last, as follows: —

"My Lords,

"I thank you cordially for your congratulations on an event so deeply interesting to me; and I assure you, that nothing can be more gratifying to me than the Address of the House of Lords on the marriage of my beloved daughter; which promises, with the blessing of Divine Providence, to insure her happiness, and to secure for her the love and affection of the people."

The Message and Answer to be printed and published.

EARL OF DYSART.

Petition of, claiming a right to vote at the elections of Representative Peers for Ireland.—Read, and referred to the Committee for Privileges.

THE REVEREND KENNETT CHAMPION BAYLEY.

Petition of, for a Bill. — Read, and referred to two English judges.

CORN LAWS.

The **MARQUESS** of **WESTMINSTER** presented a petition for the repeal of, — of inhabitants of Auchtermuchty.

The **DUKE** of **BUCKINGHAM** presented a petition against the repeal of, — of inhabitants of Saint Eval.

MEDICAL PROFESSION.

The **MARQUESS** of **NORMANBY** presented a petition, praying for the consolidation of the medical profession into one faculty or corporation, with power to regulate the examination and government of the whole body, and to confer equal rights or privileges upon all its members, — of the British Medical Association, adopted at the anniversary of that body, and signed, on their behalf, by the president and council.

CHURCH RATES.

The **MARQUESS** of **NORMANBY** presented a petition, praying for the release of John Thorogood (a prisoner in Chelmsford gaol); and for the abolition of church rates, and of the criminal jurisdiction of the ecclesiastical courts, — of Protestant dissenting ministers of the Baptist denomination, and members of a body of such ministers, residing in and near the city of London, called the Baptist Board.

SCOTCH CHURCH PATRONAGE.

The **EARL** of **MINTO** and the **EARL** of **ABERDEEN** presented petitions in favour of the principle of non-intrusion, — of the moderator and elders of the Kirk Session of the parish of Grey Friars, Aberdeen; of heritors, minister, elders, and others of Alness; of the minister, elders, and others of Iron Parish, Glasgow; and North Bute: of members and seatholders in the church, and inhabitants of the parish of Kingston, Glasgow: of students of the University of St. Andrews; and of inhabitants of Mauchline; Grey Friars Parish, Aberdeen; Tannadice; Auchtergaven; St. Andrew's; Cruih; Neilston; Bridgeton; New Cumnock; and Stewarton.

The **EARL** of **HADDINGTON** presented a petition of the Presbytery of Lauder, praying that some measure may be adopted for settling the question of patronage.

Severally read, and ordered to lie on the table.

DUTIES ON EAST INDIA PRODUCE.

LORD ELLENBOROUGH. — I beg to ask the Noble Marquess the President of the Council, whether it is the intention of Her Majesty's Ministers to accede to my intended motion for referring the petition of the East India Company to a Select Committee?

The MARQUESS of LANSDOWNE. — I think it would be more advisable to wait until the Government shall have duly considered the several important topics contained in the petition; but if the Noble Baron choose to press his motion for a Select Committee, it will not be opposed by Her Majesty's Ministers. It would not be expedient for me now to state what are the points to which the attention of the Government has been principally directed. There are many subjects connected with the petition — such, for instance, as the more free importation of East India goods — which are of essential importance, and which ought to be well considered. I cannot but feel that there may be an inconvenience in hurrying this question forward, since there are several topics growing out of it which are likely to affect the revenue and the system of foreign customs; and I should be sorry if any step were hastily taken that would interfere, in any way, with those great principles of commerce which have been heretofore successfully acted on. At the same time, if the Noble Baron press his motion, I shall be ready to attend to any suggestion that the Committee may make to the House, and to render any services in my power for the purpose of conducting the inquiry which the Noble Lord proposes.

LORD ELLENBOROUGH. — I am not going to say a word on the subject of the petition, but merely to remark that, after what has been stated by the Noble Marquess, it will not be necessary for me to offer any reason to your Lordships, on Tuesday next, for proposing that the petition be referred to a Select Committee. I shall, therefore, merely move for the appointment of the Committee; upon which I am exceedingly glad that we shall have the valuable assistance of the Noble Marquess. I will now move, my Lords, for the following Returns, to which, I presume, there is no objection: —

Account of the quantity and value of all articles of the growth or manufacture of the territories under the Government of the East India Company, imported into the United Kingdom in each year, from 1828 to 1839, both inclusive; together with an account of the rate of duty levied upon the import of each article in each year: Also,

Account of the quantity and value of all articles of the growth or manufacture of the United Kingdom imported into the territories under the Government of the East India Company, in each year from 1821 to 1838, inclusive: together with an account of the rate of duty levied upon the import of each article in each year: And, also,

Similar accounts of the imports from the territories under the Government of the East India Company and from the United Kingdom, respectively, into the British colonies, and from the British colonies into the United Kingdom and the territories under the government of the East India Company respectively; showing in all cases the rate of duty levied upon the import of each article.

Orded to be laid before the House.

CHINA.

The DUKE of BUCKINGHAM. — I wish to know from the Noble Earl at the head of the Admiralty, whether he has received any official accounts of the transactions that have been represented as having recently taken place in China?

The EARL of MINTO. — No official account of the transactions referred to by the Noble Duke has been received at the Admiralty. I have, however, received private information, which leads me to consider the accounts that are now before the public to be, in effect, substantially correct.

The DUKE of BUCKINGHAM. — I wish also to know whether any steps have been taken in consequence of the death of Sir Frederick Maitland?

The EARL of MINTO. — In consequence of the death of that gallant officer, Admiral Elliot has been ordered to act in his stead.

ANGLO-SPANISH LEGION.

The MARQUESS of LONDONDERRY. — I am desirous of obtaining from the Noble Viscount at the head of Her Majesty's Government some information with reference to the proceedings of the Commission which was appointed to consider and decide on the claims of the British Legion on the Spanish Government. What I want to ascertain is, whether any arrangement has yet been made by the Spanish Commission, with the sanction of the Secretary of State for Foreign Affairs, respecting the adjustment of the outstanding claims of the officers and men of the British Auxiliary Legion, not presented before the 30th of December last. I wish, also, to have a Return of the decision of the War Office, respecting pensions and compensations granted to wounded officers of the Legion. I shall be satisfied if the Noble Viscount will inform me, to-morrow, whether or not any arrangement has been made for the paying of the Auxiliary Legion by the Spanish Government; and, if no arrangement has been made by the Spanish Government, what are the intentions of Her Majesty's Government with respect to those officers and men, who are now in a state of the most abject poverty?

SUPPLY OF WATER TO THE METROPOLIS.

Select Committee on, appointed, as follows: —

The Lord President,
The Duke of Somerset,
The Marquess of Northampton,
The Marquess of Anglesey,
The Marquess of Westminster,
The Earl of Essex,
The Earl of Wilton,
The Bishop of London,
Lord Dacre,
Lord Howland,
Lord Lilford,
Lord Colchester,
Lord Duncannon,
Lord Ashburton,
Lord Portman,
Lord Sudeley,
Lord Colborne.

Committee to meet on Monday next, at one o'clock.

INLAND BONDING WAREHOUSES.

VISCOUNT STRANGFORD. — My Lords, I rise, in pursuance of the notice which I gave to your Lordships on Monday night, to move for the production of certain papers which I hold to be absolutely indispensable to the due consideration of a measure of great magnitude and importance, — which your Lordships thought fit to reject last year, but which is again shortly to be brought before us, recommended and supported by Her Majesty's Government. When my Noble Friend near me (Lord Ashburton), last Session, moved that the Bill relative to inland bonding warehouses be read a second time that day six months, he stated a fact which was not then contradicted, — and which has since been stated elsewhere, likewise, without contradiction, — namely, that the opinions of certain fiscal boards, as to the probable operation of the Bill on the revenue, is, in the highest degree, unfavourable to the measure; and that it is the conscientious belief of these parties, that if the measure be carried into a law, it will have a most seriously injurious effect on the revenue. So many hasty experiments have lately been made with reference to what are, in fact, the sources of the revenue, that I think it would scarcely be wise to add that which is now contemplated to the number, without the fullest investigation being instituted, in the first instance, for the purpose of ascertaining its probable effects. No man, who heard the clear and lucid statement made, a few nights ago, by a Noble Earl (Lord Ripon) not now in his place, with respect to the financial position in which the country at present stands, — (more especially when the Noble Viscount opposite, in his answer, candidly and courageously admitted the constantly increasing expenditure, and the equally constantly decreasing revenue,) — no one, I repeat, who heard this, but must look with considerable anxiety and apprehension at any measure, of which persons peculiarly qualified to form a proper opinion upon it have an idea that it would produce an unfavourable effect upon the revenue of the country. Therefore it is, I confess, that I am extremely anxious, before we proceed with a measure of this kind, to have the advantage of the opinions of practical men, to which I attach much more importance than I do to the theory and speculations of those to whom they are subservient. I apprehend that the Noble Viscount is not disposed to grant the Returns, because, as he on a former occasion said, in the first place, it was unusual to produce such documents; and, in the second place, their production would be inconvenient to the public service. Unusual it certainly is not, for I now hold in my hand a Report from the Board of Customs to the Board of Trade, upon the question of bonded sugar from foreign states being allowed to be refined in London. As to its being inconvenient to the public service, I cannot see how it can, by possibility, be so. Inconvenient to Her Majesty's Ministers it no doubt may be; because the production of those documents may chance to place them in a position which they do not wish to occupy. If, however, any real case of inconvenience can be made out, I should be very sorry to press the motion; but I hope, in return for such forbearance, that the Noble Viscount will not object to give the House an assurance that the opinion given by these parties on the subject is not most strongly and decidedly against the measure. If the Noble Viscount will give that assurance, I, for one, will be perfectly satisfied. But if the Noble Viscount will not do so, and if he, at the same time, withholds these papers, what, I ask your Lordships, is the conclusion to which the country at large will come, from the fact of that double denial? It will come to the just and inevitable conclusion, that the Noble Viscount, in spite of the previous warnings he has had, and the recommendations he has received to the contrary, from persons whose opinions deserve the highest respect and consideration, persists in acquiescing in a measure of this description, with a full and perfect foreknowledge of the prejudicial result which it is likely to have on the revenue of the country. There are, at the present moment, in consequence of deficiencies in the revenue, dim visions of future taxation before the eyes of the people; and I warn the Noble Viscount, that when the country shall be called upon to pay more taxes, it will not do so without a previous inquiry as to whether they are imposed from uncontrollable and inevitable necessity, or merely to gratify the speculations and fancies of experimentalists, who are anxious to interfere with the old established sources of our national prosperity. I now move that there be laid before the House, "copies of any Reports from the officers of the Revenue Boards to the Treasury, or the Board of Trade, relating to the extension of the principle of bonding warehouses to inland towns."

The EARL of CLARENDON. — Having been for some years connected with one of the boards to which the Noble Viscount has referred, I feel myself called upon to offer a few observations to the House. It is perfectly evident that, whether there are or are not precedents for the production of these documents, there cannot be a doubt that, if the principle be once admitted, the practice must be exceedingly inconvenient to every Government; — I say every Government, for this cannot, in any respect, be considered a party question. The relations between the different boards and the Treasury must always be the same. Their communications cannot vary; and as in most instances the Reports of the Boards of Customs and Revenue are replies to references made to them from the Treasury or Board of Trade, and are answers to opinions asked of them, it would follow that by the publication of such Reports there should be published also the opinions of the Treasury and Board of Trade. This, in many cases, would be very inconvenient. The correspondence upon which the decision of the Government is ultimately founded, must be often of a controversial, and always of a confidential, nature. It is not at all binding on the Government to adhere to the recommendations contained in the Reports they receive from any of these boards, or to assign any reason for rejecting their advice. The Revenue Board informs the Government as to the law and practice, and it is the duty of the Government to decide as it may think best for the public good; which it oftentimes does (in opposition to representations made by the board) from being cognisant of things of which the Revenue Board knows nothing; and for which decision the Government, alone, is responsible. The Board of Trade is considered as representing the great commercial interests of the country. The Board of Customs that of the revenue exclusively. The Board of Trade is anxious to give every facility to commerce, and to relieve it from its embarrassments, and is bound to state its views in the strongest terms. Both are equally zealous for the public service; but, at times, their views are at variance the one with the other. It can answer no useful end to inform parties in what manner particular departments of Government advocate their wishes or interests, and to tell them why the Board of Trade thinks a particular law necessary to be passed, and why the Board of Customs thinks the contrary? Take the example of the measure which gave rise to the Noble Lord's motion. The Board of Trade is considered to have been all along favourable to it; the Board of Customs, on the other hand, is supposed to be unfavourable to it. The latter, having great general information and knowledge on the subject, has suggested to the Government various ways by which, under such a law, the revenue might be defrauded; so that to publish this Report would be to give a gratuitous lecture on the most approved mode of smuggling, by those best qualified to teach it. Your Lordships, I believe, would be of opinion, if the papers for which the Noble Viscount has moved were laid on the table, that they would not serve any purpose of his, because they do not, in any way whatsoever, criminate the Government. Ministers, in supporting the Inland Warehousing Bill, conceive it to be their duty, with reference to the interests that are brought before them, and the assistance which those interests have a right to receive at their hands, to call upon Parliament to pass that Bill; but I do not see that they are therefore bound to disclose those confidential communications on which that measure is founded. Many other reasons will occur to the mind of any one conversant with business, why these papers should not be granted. Many cases may be laid before the Treasury, affecting the reputation, the solvency, and the liabilities of individuals and of companies, without the parties who put them forward avowing their real motives. Well, these cases may be sent down to subordinate boards for consideration; and, if the practice contended for by the Noble Viscount were acceded to, the Reports of these boards might, on motion, be published. What would be the consequence? Why, in many instances, your Lordships might thus become the instruments of propagating libel; and we all know to what inconvenience we might thereby expose ourselves. I cannot conceive that there are any more grounds for granting these papers than for producing the opinions of the law officers of the Crown; and I believe we are all agreed as to the expediency of keeping them secret. There can be no more reason for calling for these communications than for calling on the Secretary of State to produce the confidential communications between himself and his under Secretary. If the practice be once established, it will totally alter the character of the communications between the superior and the subordinate boards. No communications will take place but such as both parties are prepared to publish. Consultations and references will occur as before, because public business cannot be carried on without them; but they will be carried on either verbally or by means of private letters, which each Chancellor of the Exchequer may carry away with him when he leaves office. His successor would, upon assuming office, find that a great deal of legislation had passed; but he would find no record left to show him the grounds and the policy on which that legislation had proceeded. He would, in fact, be left without any guide whatever as to the reasons on account of which the changes and alterations in the law had been made. In offering these observations, I have not applied myself so much to the impropriety of producing the particular papers in question, as to the general ground that the production of all such papers would be prejudicial to the public service; and, as I am convinced that the Noble Viscount can have no such intention, I hope he will not press his motion.

LORD ASHBURTON.—Now, I confess I never was more puzzled than in endeavouring to comprehend how there can be any possible objection to the production of the papers moved for by my Noble Friend. I cannot see how any evil results, either to the character of individuals or to the public service, are likely to spring from the simple declaration of these two boards, as to the effect of inland warehousing on the general revenues of the country. If there be anything of a confidential nature in the communications which have passed between these Boards and the Treasury, my Noble Friend will, I am sure, consent to alter the terms of his motion in such a manner as not to include that portion of those communications. At the same time I confess I am at a loss to conceive what private communications either the Board of Customs or the Board of Excise could have to make to the Government, in reference to a Bill for establishing inland bonding warehouses. That was the last corner into which I thought the Noble Lord would have been driven for an argument against the motion of my Noble Friend. How this difficulty of divulging matters — said to be of a confidential nature — upon questions of revenue, has arisen, is to me wholly incomprehensible; and as to the objection that the motion, if successful, would tend to facilitate smuggling, I can only say that, in my opinion, the smugglers neither of this, nor, indeed, of any other country, require much assistance derived from information of such a description. One of my objections to the Bill itself is this, — that it will place in the hands of the Government the power of choosing between one place and another for establishing bonding warehouses; which option may lead to favouritism on one side, and jealousies on the other.

VISCOUNT MELBOURNE.—These papers, my Lords, are asked for in relation to a Bill which is not yet before your Lordships, and possibly may never be so. The Noble Viscount who brought forward the motion has stated, incorrectly, the admission which I made, in the course of a debate, in the earlier part of the Session, on the subject of the general finances of the country, — an admission which he has characterised as candid and courageous. Undoubtedly, I do not consider that it will long avail, either in financial matters or any other matters connected with Government, to court concealment, or avoid a fair and candid statement of difficulties. But my language has been somewhat misrepresented. I certainly said that there had been a great increase of expenditure of late years, owing to the increase of the public exigencies, and to the numerous schemes now-a-days suggested for the public good. But I never said one word that could induce in the public mind a belief that there was any difficulty, on the part of the country, to meet that increased expenditure. On the contrary, I declared that there was no symptom whatever of any decrease or failure in the real strength, the real energy, the real resources of the country. I most earnestly hope that the Noble Lord will not be induced to persevere in the present motion, for the reasons stated by my Noble Friend, and which appear to be quite unanswerable. These communications between the Treasury and the Board of Trade and the revenue boards are really of a most secret and confidential nature. They are carried on adversely, — as all communications of this kind between different boards and the Treasury must necessarily be, when points essential to the public service are to be elucidated; they discuss the means of evading the law, and abound in reflections upon classes of men, if not upon individuals. To introduce the practice of calling for papers of this nature would be in the highest degree prejudicial to the public service. The Noble Baron who spoke last contended that no disadvantage could result from the production of the opinion of the Board of Trade and the Board of Customs, as to the general effect upon the revenue of the proposed new system of inland warehousing. It is possible that no disadvantage may result from it; but what I contend against is, the principle which the Noble Viscount seeks to establish — the principle of calling for papers which are necessarily of a secret and confidential nature. If that principle be once admitted, the inevitable result of it will be, to array one department of the Government in opposition to the other. Unless such communications be kept secret and confidential, the government of the country cannot be continued to be carried on as it has hitherto been carried on; for if these papers are to be perpetually made public, it is perfectly certain that a different mode of conducting business between departments must be adopted. Everything now-a-days is made public. If one writes a letter, it is a hundred to one but it appears next day in a newspaper, or at all events will be read aloud in this House. What is the consequence? Why, that an end is put to all correspondence. No man in his senses will now write one single word more than he is compelled to do. Confidential communication is at an end; for if communications of this kind are subject, upon all occasions, to be canvassed in the public prints, or overhauled in Parliament, who will venture to be confidential? I do not say that it would be a prudent or a wise way, or a customary or a usual way, to deal with a Bill of this kind, when it comes up to your Lordships' House, to send it to a Committee; but, unusual and unwise as such a course might be, I think it would be far less objectionable than that now proposed. It would, at the same time, be more constitutional, and more parliamentary. I cannot pledge myself to accede to that course when the Bill comes up to your Lordships' House; but I must say that I shall be much more ready to accede to it than to the motion now made by the Noble Lord opposite. I therefore most earnestly hope that the Noble Lord will not be induced to persist in his motion.

LORD ASHBURTON. — The Noble Viscount wishes to establish the principle as a precedent, that papers such as are now moved for ought not to be produced for the conduct of the public business. I, on the other hand, contend, that if the privilege of calling for papers of this description be denied, Parliament will lose much of the power that it is desirable it should possess, for the benefit of the public at large. I hold in my hand a Report from the Board of Customs to the Board of Trade, relative to refined sugars, which, according to the principle laid down by the Noble Viscount, ought not to have been made public, and must have been made public in direct opposition to that principle; — a principle which, if established by this House, will never, I am sure, be conceded by the other House of Parliament.

LORD MONTEAGLE. — I do not see that there is any analogy between that Report and the papers now moved for, because the grounds upon which that Report was produced differ widely from those which have been urged in favour of this motion. Besides, I did not understand my Noble Friend to lay it down as a principle, that under no circumstances were Reports of this kind to be granted. All that is contended for is, that the principle ought to be the other way, and that cases of production should be the exceptions, and justified as exceptions. My Noble Friend who has just sat down has said, that if the doctrine of the Noble Viscount (Melbourne) were acceded to, not only would a difficulty be thrown in the way of the proceedings of your Lordships' House, but that a principle would be established which would never be agreed to by the other House of Parliament. Now, so far from that, if your Lordships refer to the Journals of the other House, you will find that the same motion was made, there, on behalf of the great interests that would be affected by this Bill (the Liverpool Dock Company), and that the same answer was given that has been given by my Noble Friend; which answer was considered so satisfactory that the motion was at once withdrawn. The papers were not pressed for, because their production would be inconvenient to the public service. With regard to the Bill itself, it has been objected to because it would confer on the Government the power of exercising favouritism, by selecting one place and refusing another equally convenient. But whatever objection applies to the Bill on that ground, applies equally to the present state of the law, as my Noble Friend, opposite, knows. He is aware that, at present, it is discretionary with the Government to select one port and to refuse another; and that is a discretion against which I have never heard a well-grounded complaint. The measure was introduced by the Government entirely and purely on its own merits, — as a measure of great relief and advantage to the commerce of the country. I hope, most sincerely, that your Lordships will not consent to this motion; for, from my own experience, I can say that it would be productive of the most injurious consequences.

LORD ASHBURTON. — I believe the truth to be, that there would have been no objection to the production of these papers, and that they would have been granted at once, if the Government had not gone into the measure directly in the teeth of their own officers. When the question came before the Board of Trade, my Noble Friend opposite was one of those who thought that there were great difficulties in the way of it; and he now tells us that he is in favour of it. The information sought for, I certainly think, we must have, in some shape or other.

VISCOUNT STRANGFORD. — After what has fallen from the Noble Viscount opposite, I shall, with your Lordships' permission, withdraw the motion. At the same time, I beg to remind the Noble Viscount that he has not yet stated whether the Government, in pressing this measure, is not acting in direct opposition to the wishes of those persons who are best informed on the subject. The course which has been just hinted at by my Noble Friend will, I think, be the safest and best course to pursue, — I mean, that when the Bill shall come before your Lordships, it will be for you to consider whether you cannot obtain the information I ask for, by the means of a Select Committee? As to the confidential nature of these communications, I am not disposed to pry into the mysterious tendernesses which may have passed between the Board of Customs and the Treasury, nor do I want to make this House an originator of libels, or a " normal school " for the instruction of smugglers. I have only to add, that I can assure the Noble Viscount I did not mean to misrepresent him in the speech which he delivered the other night. I did not intend to assert that the Noble Lord had said that the expenditure was increasing while the revenue, or the resources of the country, were actually diminishing; but that the disproportion between them was increasing, and that, comparatively, the expenditure was greater and the revenue less.

Motion, by leave, withdrawn.

PAPERS, RETURNS, ACCOUNTS, &c.

Resolutions of the Court of Directors of the East India Company, being warrants or instruments granting any pension, salary, or gratuity. — Delivered (pursuant to Acts), and ordered to lie on the table.

List specifying the particulars of compensation proposed to be granted to certain persons lately in the service of the East India Company, under an arrangement sanctioned by the Board of Commissioners for the Affairs of India (No. 103.). — Delivered, and ordered to lie on the table.

Particulars of all compensations, superannuations, and allowances granted by the Court of Directors of the East India Company, and confirmed by the Board of Commissioners for the Affairs of India, between the 1st January and the 31st December, 1839 (under the authority of the Act of the 3 and 4 Will. IV. cap. 85. sect. 7.), to persons who have been employed by or under the East India Company, whose interests have been affected by the discontinuance of the said Company's trade, and who have been reduced.

—Delivered (pursuant to Act), and ordered to lie on the table.

Return of all peerages of Ireland created since the Union, stating the peerages on the extinction or supposed extinction of which each new peerage has been created; and, also, of all other peerages of Ireland supposed to have become extinct during the same period.—Ordered to be laid before the House. (The Lord Redesdale.)

Adjourned.

HOUSE OF COMMONS.

The House met, and forty Members not being present at four o'clock, Mr. Speaker adjourned the House till to-morrow.

HOUSE OF LORDS, VENERIS, 21° DIE FEBRUARII, 1840.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

CATHEDRAL AND COLLEGIATE ESTABLISHMENTS.

The BISHOP OF ELY presented a petition of the clergy of Bury Saint Edmunds and its neighbourhood, taking notice of a recommendation of the Ecclesiastical Commissioners, and praying that, in any measure to be introduced to Parliament on this subject, such alterations only may be made as shall carry out more efficaciously the intentions of the founders and benefactors. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE.

The BISHOP of ELY presented a petition of clergy of Bury Saint Edmunds and its neighbourhood, — praying that, in any measure upon this subject which may be introduced to Parliament, provision may be made for the salutary exercise of episcopal power, upholding, at the same time, the appellate jurisdiction of the Metropolitan Courts. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The MARQUESS of BUTE presented petitions in favour of the principle of non-intrusion, — of heritors, feuars, merchants, and others of Largs: and of inhabitants of Dunscore; Cullen; Drainey; Boharm; Cupar, Fife; St. Cyrus; South Parish, Aberdeen; Muckairn; Urquhart; Duffas; Lochwinnoch; Glasgow; Gargunnock; Monquhitter; and Aberlom.— Read, and ordered to lie on the table.

COUNTY AND DISTRICT CONSTABLES ACT.

Petition of magistrates of the county of Salop, in quarter sessions assembled, praying for alteration of certain clauses of said Act. — Read, and ordered to lie on the table.

CHURCH BUILDING A

A Bill further to amend the Church Building Acts was presented by the Lord Bishop of London. — Read a first time, and to be printed.

EMIGRATION.

On the motion of LORD DUNCANNON, Address for —

Copy of commission appointing T. F. Eliot and Robert Torrens, Esquires, and the Honourable Edward E. Villiers, Land and Emigration Commissioners: Also,

Copy of the instructions addressed by Lord John Russell to the Land and Emigration Commissioners: And, also,

Copy of a commission revoking the existing commission of the South Australian Commissioners, and appointing Robert Torrens and T. F. Eliot Esquires, and the Honourable Edward E. Villiers, Colonisation Commissioners for South Australia.

FREE LABOUR IN THE MAURITIUS.

On the motion of LORD DUNCANNON, Address for —

Copy of despatch from Sir William Nicolay, of the 4th day of May, 1839, on the subject of free labour in the Mauritius: Also,

Copy of a despatch from Sir William Nicolay, of the 21st day of May, 1839, transmitting a memorial from sundry inhabitants of Mauritius, addressed to the Queen, praying the removal of restriction upon the introduction of free labourers from India and elsewhere: And, also,

Copy of a letter from Mr. Barclay, of the 20th day of September, 1839, inclosing documents relative to the feeling of the inhabitants of the Mauritius on the subject of the introduction of Indian labourers.

CHINA.

LORD ELLENBOROUGH. — I wish to know from the Noble Viscount whether the papers relative to China will be laid on the table at an early period?

VISCOUNT MELBOURNE. — They are in course of preparation, and will be produced as soon as they are ready.

LORD ELLENBOROUGH. — I beg leave to put two questions to the Noble Viscount, which, if he is not now prepared to answer, he will perhaps answer on Monday next. The first is, whether it is the intention of Her Majesty's Government to accompany the papers relative to China with any message from the Crown which will open the whole course of policy recently pursued towards that country? The second question is, whether Her Majesty's Government have formed any arrangement with the East India Company fixing the proportion of charge, to each, of any intended expedition by this country and the East India Company against China?

VISCOUNT MELBOURNE. — As to the first point, no message will be sent down: and as to the second, I will avail myself of the suggestion of the Noble Lord, and take time to consider of it.

THANKS TO THE INDIAN ARMY.

Moved by Viscount Melbourne, — "That in the third resolution of thanks voted by this House on the 4th of February, there be inserted, after the words, 'Major General Sir Willoughby Cotton, Knight Grand Cross of the most honourable Military Order of the Bath,' the following names: — Major General Sir Thomas Willshire, Knight Commander of the most honourable Military Order of the Bath; Major General Sir Joseph Thackwell, Knight Commander of the most honourable Military Order of the Bath; Major General Edward H. Simpson; Major General William Nott."— On question, resolved in the affirmative, *nemine dissentiente.*

Then it was moved, That in the fourth resolution of thanks voted by this House on the same day, there be inserted, after the word "Ghuznee," the following words: "and Khelat."—On question, resolved in the affirmative, *nemine dissentiente.*

The EARL of ABERDEEN. — I wish to put a question connected with the subject of the war in India to the Noble Viscount. I believe that one of the motives of the expedition to the westward of the Indus was to prevent the threatened attack on Herat by the Persians. Now, I wish to know whether, since that, any intelligence has been recieved that the chief of Herat has come to an understanding with the Persian Government, and has rejected the protection and assistance proffered to him by the British Government?

VISCOUNT MELBOURNE. —No intelligence has been received to the extent indicated by the Noble Earl; but intelligence has arrived which is calculated to excite suspicion respecting the Government of Herat.

AFRICAN TRADE.

VISCOUNT STRANGFORD. — I beg to state to your Lordships that I withdraw the notice of motion, which stands for Monday, relative to the inconvenience sustained by the British trade on the coast of Africa, as I find that the question is of a more extensive nature than I at first supposed. I shall give notice when I mean to bring it forward.

CHARITIES (ENGLAND AND WALES).

Thirty Second Report of the Commissioners for Inquiry concerning Charities in England and Wales (Part 6.) Delivered (by command), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Galway Bay Fisheries.— Petition from Galway, for protection. — To lie on the table.

Birmingham Canal Navigation. — Petition for additional provision reported. — instruction to make provision accordingly.

Bolton Small Debts. — Two petitions for additional provision. — Referred to the Select Committee on Petitions for Private Bills.

Crichton Charities. — Report from Select Committee on Standing Orders (17th February) read. Bill ordered to be brought in by Mr. **Hope Johnstone** and the **Lord Advocate**.

Ayr Waterworks.—Petition of Thomas Wyllie Webster, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Edinburgh Market and Petty Customs Bill. — Petition of market gardeners of the counties of Edinburgh and Haddington, in favour. — To lie on the table.

Weaver Churches. — Petitions against the application for a Bill, — from householders of Bredbury and Werneth. — To lie on the table.

Newcastle upon Tyne Waterworks. — Petition of William Pringle, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Belfast Waterworks (No. 2.) — Petition of Adam Macrovy, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Royal Naval School Incorporation. — Petition for Bill reported. — Report referred to the Select Committee on Standing Orders.

Andover Road Bill.—Petitions against, — from owners and occupiers of land in Stockbridge and Overton. — To lie on the table.

In the following cases, petitions for Bills were reported, and Bills severally ordered to be brought in accordingly; viz: —

Harrington Dock Company,—by **Lord Viscount Sandon** and Mr. **Cresswell**.

Hartlepool Dock and Railway Company,—by Mr. **Harland** and Mr. **Pease**.

Gravesend Improvement,—by Mr. **Law Hodges** and **Sir Edmund Filmer**.

Kington Inclosure, — by Mr. **Barneby** and Mr. **Foley**.

St. Harmon Inclosure, — by Mr. **Barneby** and Mr. **Foley**.

Birmingham and Warwick Junction (Bordesley) Canal, — by Mr. **Dugdale**, **Sir Eardley Wilmot**, **Lord Viscount Ingestre**, and **Colonel Anson**.

Newton Abbot, &c. Small Debts, — by **Sir John Yarde Buller** and Mr. **Montagu Parker**.

Stamford Improvement, — by **Sir George Clerk** and the **Marquess of Granby**.

Sarum and Ealing Road, — by Mr. **Brodie** and Mr. **Herbert**.

Kirkcudbright Road,—by Mr. **Murray** and Mr. **Macleod**.

Taunton Roads, — by Mr. **Sanford** and Mr. **Acland**.

Taunton Markets, — by Mr. **Sanford** and Mr. **Bainbridge**.

Garngad Road, — by Mr. **Lockhart** and Mr. **Oswald**.

Wilsontown Road,—by Mr. **Lockhart** and Mr. **Gillon**.

Billinghay Fen Drainage, — by Mr. **Handley** and Mr. **Christopher**.

Quainton Inclosure, — by **Sir William Young** and **Sir Harry Verney**.

In the following cases, Bills were severally presented, and read a first time, and ordered to be read a second time; that is to say, —

Whittlesea Inclosure Bill, — "For inclosing Lands in the Parishes of Whittlesea Saint Mary, and Whittlesea Saint Andrew, in the County of Cambridge."

Dewsbury Gas Bill, — "For better lighting and supplying with Gas the Town and Neighbourhood of Dewsbury, in the West Riding of the County of York."

Nottingham Gas Bill, — "For better lighting with Gas the Town and County of the Town of Nottingham, and the Liberties and Precincts thereof, and Places adjacent thereto, in the County of Nottingham."

Hartlepool Dock and Railway Company Bill, — "To enable the Hartlepool Dock and Railway Company to raise a further Sum of Money for completing their Undertaking, and enlarging the Time for completing the same, and for amending the Acts relating thereto."

The following Bills were severally read a second time, and respectively committed, as follows: —

Crammond Bridge Bill,—to Mr. Gibson Craig and the South Scotland list.

Arbroath and Forfar Railway Bill, — to Mr. Chalmers and the North Scotland list.

Swain's Naturalisation Bill, — to Mr. Barnard and the West Kent list.

Chester and Crewe and Grand Junction Railways Consolidation Bill,—to Mr. John Jervis and the North Chester list.

Thames Plate Glass Company Bill, — to Sir Matthew Wood and the Middlesex list.

General Steam Navigation Company. — Report from Select Committee on Standing Orders (14th February) read.— Bill ordered to be brought in by Sir Matthew Wood, Mr. John Jervis, and Mr. Prime.

Glasgow Waterworks; Upper Hayford Inclosure(No. 2.); Birmingham and Gloucester and Bristol and Gloucester Railways Union; Cambuslang and Muirkirk Road. — Petitions for Bills reported, and Reports respectively referred to the Select Committee on Standing Orders.

COMMITTEE OF SELECTION.

Leave given the Committee to sit this day till five of the clock, during the sitting of the House.

STANDING ORDERS COMMITTEE.

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PUBLIC BUSINESS.

NEW WRIT.

For Inverness, in the room of Roderick Macleod, Esquire, Chiltern Hundreds.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Rates, — By Mr. C. Lushington, Colonel Gore Langton, Mr. Gisborne, Mr. Baines, Mr. Hume, and Mr. Hawes, for abolition thereof, and for the release of John Thorogood, — from Kettering; Matlock, &c.; Chapel Colne; John Childs; Rochford; Bassingbourn; Beaconsfield; Ingatestone; Colne; Rothwell; Frome Selwood (two petitions): and members of the Baptist Board, London.

Church Patronage (Scotland), — By Mr. Fox Maule, Sir James Graham, and Lord John Russell, for alteration of the law, and against the intrusion of unacceptable ministers, — from Kilmuir; Forres; Kingston; North Bute; Paisley; Rothiemay; Neilston; Glasgow (two petitions); Dundee (signed by 7000 persons); Enzie; Auchterarder Presbytery (moderator); Killin; Fordyce; Ketting; Tinwald; Ruthven; Sprouston; Letter-Kenny; and Lochalsh.

Church of England, — By Colonel Rolleston, Mr. William Duncombe, Mr. Robert Palmer, Mr. Planta, Mr. Wilbraham, Lord Stanley, Mr. Goulburn, Sir Robert Peel, Mr. Barneby, and Mr. Bingham Baring, — for the extension thereof, and for the diffusion of religious instruction, — from Saxlingham and Sharrington; Reading; Topcliffe; Congleton; Cotgrave; Holt (Norfolk); Burnley; Holbrook; Burgh: Worsthorn cum Hurstwood, &c.; Blakeney; Worre and Mucclestone; Standon; Warblington; Biddulph; Sherringham, &c.; Chillesford; Claydon and Akenham; Petistree; Farnborough (Warwick); Willisham; Blaxhall; Endon; Stuston; Wherstead; Benhall; Middleton cum Fordley; Barton-upon-the-Heath; Ladbroke; Sherbourn; Newbold Pacy; Lighthorne; Aldworth; Kidsgrove; Oare; Milton

Lilbourne; Pentrich; Clay; East Norton; King's Norton; Hintlesham; Kessingland; Hemingstone and Gosbeck; Knoddishall; Nacton; Felixtow; Hacheston; Parham; Freston; Tugby; North Wingfield; Moneyash; Tideswell, Tachbrook; Drayton in Hales; Tanworth; Cubington; Hockham; Cambridge University; Kineton; Maidstone; Weybread; Lillington; Combs; Havant; Thorpe St. Mary; Kingsley; Long Compton; Richmond (York); Morton Morrell; Walton; Walford; Pillerton; Eccleshall; Beccles; Kinwarton, &c.; and Honington.

Inland Warehousing Bill, — By Mr. BOLLING, Mr. DUGDALE, Mr. BAINES, Mr. R. H. GREY, Mr. GRIMSDITCH, Mr. GREG, and Mr. MUNTZ, in favour, — from Warrington; Manchester (two petitions); Birmingham; Ashton under Lyne; Duckingfield; Stockport; Hyde; Bolton; Leeds; and Rochdale.

Inland Warehousing Bill, — By Mr. PATTISON, against, — from London Dock Company; and East and West India Dock Company.

Printed Papers (*Mr. Sheriff Evans*), — By Mr. DUFFIELD, SIR JAMES DUKE, Mr. BLACKMORE, SIR ROBERT INGLIS, SIR MATTHEW WOOD, and Mr. G. W. HOPE, for discharge of the Sheriff of Middlesex, — from Ward of Cordwainers; Wells; Weymouth and Melcombe Regis; Ward of Broad Street; Shrewsbury; Abingdon; and Ward of Billingsgate.

Municipal Corporations (*Ireland*) *Bill*, — By Mr. LITTON, against, — from Drayton in Hales; Badingham; and corporation of shoemakers of Dublin.

Maynooth College, — By COLONEL RUSHBROOKE, Mr. WILLIAM DUNCOMBE, Mr. BARNEBY, and Mr. BINGHAM BARING, against further grant, — from Awre; King's Norton; Clare (Suffolk); Arkingarthdale; Minchinhampton; Nailsworth; Horsley; Cavendish; Hockham; Biddulph; and Badingham.

Corn Laws, — By Mr. A. WHITE, Mr. BROTHERTON, Mr. C. P. VILLIERS, Mr. BAINES, Mr. R. H. GREY, Mr. HUME, and Mr. ROBERT STEUART, for repeal, — from Sunderland; Heapey; Wheelton; Clayton-le-Woods; Worsley; Hixton; Whittle; Dunbar; North Berwick; Jedburgh; Whithorn; Giggleswick; Whitburn; and Thurgoland.

Hill Coolies, — Of the chairman of the committee of the British and Foreign Anti-Slavery Society, against exportation of Hill Coolies from Hindostan.

Elective Franchise and Municipal Corporations (*Ireland*), — By Mr. W. VILLIERS STUART, Mr. E. BURKE ROCHE, Mr. GISBORNE, SIR W. SOMERVILLE, and Mr. W. S. O'BRIEN, for the extension and reform thereof, — from Lower Glanmire; Ballimacada; Timoleague and Kilmalooda; Buttevant; Kanturk; Kilgariff; Creagh and Skibbereen; Kildimo and Chapel-Russell; Carlow (chairman of a meeting); Carrickbeg; Kilmolleran; Clondavadock; Grean and Timplebraden; and Dunmansway.

Sheep Stealing (*Ireland*), — By SIR RALPH HOWARD, — from Wicklow, for better prevention thereof.

Corn Laws, — By Mr. WILLIAM DUNCOMBE and LORD ELIOT, against repeal, — from Armthorp; Tickhill; Loversall; Rossington; Ardwick-le-Street; Stowe (Stafford); and St. Eval.

Designs Copyright Bill, — By Mr. BAINES, — from Leeds, in favour.

Newport Riots, — By Mr. PATTISON, Mr. WAKLEY, Mr. HUME, and Mr. WALLACE, for a free pardon to Frost, Williams, and Jones, — from Finsbury (four petitions); Alloa (chairman of a meeting); London (two petitions); London and Westminster; Leicester; St. Mary Stratford; Deptford; Brighton (signed by 1700 female inhabitants); West Chiltington; St. Luke's, Middlesex (two petitions); Shettleston; Tower Hamlets; Whitechapel, &c.; Colne; and New Town Shaw.

Currency, — By Mr. GREY, — from Manchester, for a Committee of Inquiry into the laws relating to the management of the currency.

Universal Suffrage, — By Mr. WAKLEY, — from Sankey, in favour.

Railways, — By Mr. LABOUCHERE, — of common carriers and others interested in the conveyance of goods by railway, for free competition. — Referred to the Select Committee on Railway Communication.

MESSAGE FROM THE LORDS,

That they have agreed to Transfer of Aids Bill, without amendment.

That they have passed a Bill, intituled, "An Act to explain and amend an Act made and passed in the Second and Third Year of the Reign of Her present Majesty Queen Victoria, intituled 'An Act for the better ordering of Prisons.'"

PUBLIC PETITIONS COMMITTEE.

Eighth Report brought up, and read.— To lie on the table, and to be printed.

PRISONS BILL.

On the motion of Mr. Fox MAULE, read a first time; to be read a second time on Friday next, and to be printed.

RETURNS, &c.

Poor Law Amendment Act. — On the motion of GENERAL JOHNSON, returns ordered —

Of all workhouses and buildings erected or purchased, or hired, and converted into union workhouses, under the Poor Law Amendment Act, with the costs of erecting, purchasing, hiring, and converting the same into workhouses; and of the several principal sums borrowed for those purposes, and from whom, and at what rate of interest; and of all sums of money now due for principal and interest upon such principal sums respectively, and of the expenses attending the borrowing thereof:

Of the amount of all sums annually levied under the denomination of poor rate; and, also, the amount of the sums paid for the actual relief and maintenance of the poor in each union, including and distinguishing in and out of door relief.

Of the amount of salaries, and the law expenses, and incidental charges, in each union:

Of the salaries, expenses, and other charges for commissioners, with name of each assistant commissioner and officers belonging to the establishment at Somerset House, and the travelling expenses incurred by each of them; such and each of these Returns to commence from the passing of the Act, up to the 1st day of January last, distinguishing each year:

Of the number and names of the unions to which no order has been sent for withholding out of door relief to the able-bodied poor; stating the date of the formation, and the population of such unions, from the passing of the Act up to the 1st day of January last.

Assizes. — On the motion of SIR T. FREMANTLE, address for —

Return of the number of petitions or memorials addressed to the Privy Council, or to any other public department, praying for an alteration or removal of the assizes in any county in England and Wales, under the provisions of the Act 3 & 4 Will. IV. c. 71., from the passing of the Act to the present time; specifying the name of the place, the number of applicants, and the nature and object of each application; stating the respective dates when the same was presented and heard; together with the proceedings and orders made by the Privy Council thereupon:

Similar Return of all counter-petitions or memorials which may have been presented, praying that such alterations may not be made by the Privy Council.

Postage. — On the motion of Mr. GOULBURN, Account ordered—

Of all sums charged to or paid by each public department, on account of postage, from the 10th day of January to the 20th day of February, 1840.

Galway Bay Fisheries. —On the motion of Mr. W. S. O'BRIEN, Copy ordered —

Of a memorial submitted to the Lord Lieutenant of Ireland, in the month of December, 1839, respecting the present state of the fisheries in the Bay of Galway, with the reply of the Chief Secretary of Ireland thereto.

SOCIALISM, AND EMPLOYMENT OF THE POOR.

Mr. WAKLEY, on presenting two petitions from Finsbury, praying for inquiry into the plans of Mr. Robert Owen for a new modelling of society, said:—These petitioners are exceedingly discontented with the arrangements of the old world, and are very anxious to have a new one, regulated under a system that shall expose them to less of that inequality and injustice under which, as they conceive, so large a portion of society, as at present constituted, is suffering.

PRINTED PAPERS.

SIR EDWARD SUGDEN. — I beg to give notice that on Thursday, the 5th of March, I will move to rescind the resolution for the sale of papers, and also certain of the resolutions of 1837 regarding the privileges of this House; and for the appointment of a Committee to superintend the publication of such papers as the House may direct, or the Committee may think it advisable to publish.

PUNISHMENT OF DEATH.

Mr. EWART. — Sir, I beg to give notice that on Thursday, 5th March, I will submit a motion to the House, the object of which will be, to effect the entire abolition of the punishment of death.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Mr. SHAW. — Perhaps it may be convenient to the House that I should now state, very shortly, the substance of the amendments which it is my intention to propose in the Committee on the Irish Municipal Corporation Bill. Clause 6.— As to the insertion of the parliamentary franchise to freemen, to leave the provisions of the Irish Reform Act unaffected by this Bill. Clause 15. — As to power of the Crown to grant charters of incorporation; that such charters shall be granted on petition of the majority of those persons who would be qualified to be burgesses in respect of rating. Clause 32. — As to qualification of burgesses, that it shall be 10*l.*, ascertained by rating in, all boroughs to be incorporated; to substitute twelve for six months' occupation with reference to enrolment, and to omit clause 33., as to qualification of burgesses after three years. To insert clauses constituting the standing governors of the Bluecoat Hospital, Dublin, a body corporate. To provide for trusts producing profits to shareholders or proprietors for their own benefit. Clause 152. — As to the appointment of sheriffs, that they shall be appointed by the Lord Lieutenant, as in counties at large. Clause 172. — As to granting licences for the sale of beer and spirits, to omit proviso giving jurisdiction to borough justices. Clause 208. — As to officers, compensation to provide for the cases of officers who have succeeded to pre-existing and necessary offices since 20th August, 1836, and to introduce the substance of the Treasury minute made in respect of English corporations, in the year 1835. And to insert clauses to provide for the efficient audit of the corporation accounts.

Mr. SERJEANT JACKSON. — I will also take this opportunity to give notice, that in committee on the Irish Municipal Bill, I shall move an amendment for the purpose of making it optional with the inhabitants of boroughs to avail themselves of its provisions; and I shall likewise move the substitution of the 11th clause in the Bill of last year for the 23d clause in the Bill of this year.

NEW WRIT FOR PERTHSHIRE.

Mr. FOX MAULE. — I beg to move "That the Speaker do issue his warrant to the Clerk of the Crown to issue a new writ for the election of a commissioner, to serve in the present Parliament for the County of Perth, in the room of Lord Stormont, now Earl of Mansfield and Viscount Stormont, in the kingdom of Scotland."

Mr. PRINGLE. — That seems a very premature motion. I should wish to know whether it consists with the personal knowledge of the Honourable Member, that Lord Stormont has yet received his writ of summons to the House of Lords?

Mr. F. MAULE. — It does not consist with my own knowledge that Lord Stormont has received a writ of Summons to the House of Lords as Earl of Mansfield; but it does consist with my knowledge that that Noble Lord is now Viscount Stormont, in the kingdom of Scotland.

Mr. PRINGLE. — Is the Honourable Gentleman prepared to say that the Noble Viscount has been legally served in Scotland as Lord Stormont? The Honourable Gentleman should know that without proof of service the Noble Lord could not claim to sit as a Peer of Scotland.

Mr. F. MAULE. — What! does the Honourable Member mean to tell me——

[Laughter, and cries of "Hear, hear!"]

does he mean to say that proof of service upon the Noble Lord as Viscount Stormont is necessary in this case? I deny it altogether. By the death of the late Earl of Mansfield, Lord Stormont became, *ipso facto*, a Peer of Scotland; and, as such, by the articles of union, I contend that he could not, for a day longer, sit as a Member in this House for a Scotch county.

SIR W. FOLLETT. — I recollect, very well, that a similar case to this has occurred since I have had the honour to sit in Parliament, — I mean the case of the present Earl of Scarborough. A writ was moved for on the death of his Lordship's father; but, on some objection taken, it appeared either that no writ of summons had been issued, or that there was no proof of that fact, and the motion was withdrawn. This appears to me to be a similar case. Here is no proof that Lord Stormont has become either a Peer of Scotland or a Peer of England; and, until a Nobleman has received his writ of summons, it is not usual to move a new writ for a place which he represents, at the time, in this House.

Mr. F. MAULE. — I am sorry to interfere with so high an authority as the Honourable and Learned Gentleman; but I apprehend that Lord Stormont will receive no written summons whatever to take his seat in the House of Lords as a Peer of Scotland. He will take his seat in that capacity, there, without any summons. That is one reason for my motion; and the other is, that I know of no reason why so large a district as Perth should remain unrepresented.

[Much laughter.]

SIR J. GRAHAM. — The circumstances of this case are very clear. The Earl of Mansfield died on Tuesday last, and is yet unburied. A writ of summons has not yet issued, and Lord Stormont cannot take his seat as a Peer of the British Parliament, till he has received such writ of summons. That writ of summons can only issue on proof of the decease of the late Earl, and the present Lord's succession as legitimate heir; and the case stated by my Honourable and Learned Friend — the last case in which the question arose, that of the Earl of Scarborough — removes all doubt upon that ground. Unless, therefore, the Honourable Member be prepared to state, of his own knowledge, that the writ of summons has issued, the time has not yet arrived for moving this new writ. The Honourable Gentleman has called attention to the fact that the late Earl of Mansfield was not only a British Peer, but also a Peer of Scotland. I am clearly of opinion that, before the Viscount Stormont can succeed to his Scotch peerage, or before he can be served as heir to his father in that dignity, some proofs of his legitimate succession to that title are necessary. But I think, besides, that that proof ought to be produced in relation to the British peerage as well as to the Scottish; and the usual proof in this respect is the writ of summons. Viscount Stormont's father is still unburied, and no such proof has been yet adduced. The Honourable Gentleman who has moved this writ is not in a condition to state that the writ of summons has been issued, or that due service has been made upon the heir. On these grounds, then, as a matter, not of feeling, but of strict law and usage, I maintain that it is premature, now, to move for a new writ.

The LORD ADVOCATE. — It is perfectly clear that, with respect to the law of Scotland, no service is necessary to Lord Stormont's accession to the Scottish peerage, and that, on the death of the father, the son immediately becomes, of right, a Peer of Scotland. Service is altogether unnecessary; and the present Earl of Mansfield, as Viscount Stormont, becomes a Scotch Peer, independent of any service, and independent of any proof of legitimacy. There is no doubt whatever upon this point, so far as the law of Scotland is concerned; and, whatever decision the House may come to, it is right that they should be aware of this fact.

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House hereafter, it would be inexpedient that we should come to a hasty decision. In all these cases, it is desirable that precedents should be examined, and I shall therefore move that the debate be adjourned to Monday next.

Mr. F. MAULE. — I shall certainly oppose that motion, and for this reason, that the House has just now had the opinion of the Lord Advocate, most distinctly delivered, upon a point of Scotch law, as applicable to the present case. That opinion is, that, by the law of Scotland, Lord Stormont is now a Scotch Peer; and, by the Act of Union, he can no longer be a Member of this House; if he should any longer exercise his privilege as Member for Perthshire, he would subject himself to a very heavy penalty. Under those considerations, then, — and feeling that it would not be fair that this great county should be without its voice in this House at this particular crisis of the country,— I shall persist in my motion that the writ be issued.

SIR ROBERT PEEL. — I will most decidedly support the motion for an adjournment. The position of a Scotch Peer, in my opinion, very much resembles that of an Irish Peer sitting for an Irish constituency, and inheriting a title from his father. In that case he is disqualified from sitting, not in the House of Commons generally, but for any Irish constituency. Now, as we are about to constitute a precedent, it is important to ascertain the course pursued on such a vacancy taking place, — whether the Speaker issues his writ immediately, if the case have occurred during the recess, or waits until some evidence has been laid before the House on its re-assembling. The House should remember that they may establish, now, a precedent, not only for Scotland, but for Ireland. There was no representative for Perth yesterday, or the day before; but it was not thought necessary, on the death of the late Earl of Mansfield being known, that a race should be run in order to move the writ. The proposal of my Right Honourable Friend is not that we should suspend the writ indefinitely, but that the debate should be adjourned until Monday next, in order that we may have time to consider what the precedents are. If the precedents are in favour of this course of proceeding, let the writ be issued on Monday next; but before the point is decided upon, is it not decent, at least, to have the opportunity of eight-and-forty hours' consideration, before we establish an important precedent, which is to govern our proceedings, in future, under similar circumstances?

Mr. ROBERT STEUART. — I deny that the present case is analogous to that of an Irish Peer. The difference is, that an Irish Peer is not prohibited from sitting in the House of Commons, because he may sit for an English constituency; whereas a Scotch Peer cannot sit in the House of Commons at all. When it is so notorious that Lord Stormont is now the Earl of Mansfield in England, and Viscount Stormont in Scotland, I think that I am entitled to assume that there is something more on the other side than a mere wish to prevent a precedent being established.

[Cries of "Hear, hear!" from the Ministerial benches.]

It being admitted that the Earl of Mansfield is dead, and that his son is a Scotch Peer, and the law being that no Scotch Peer shall sit in the House of Commons, I will say that the House has a right to suppose that there is something yet undisclosed which has induced Honourable Members on the other side to come forward and endeavour to prevent the writ's being issued.

Mr. GOULBURN. — I will inform the Honourable Member for Haddington on what ground I oppose this motion. I have been a Member of this House for some years, and I remember that when Lord Berkeley died, a motion was brought forward by some Honourable Gentlemen who now occupy the other side of the House, that Lord Dursley should vacate his seat as Member for Gloucester, because he had become Earl of Berkeley. That motion was opposed on the same ground that the present motion is opposed, — namely, that there was no evidence of the fact before the House. The writ for Gloucestershire was issued, however, on the ground that Lord Dursley had become Earl of Berkeley; but the House of Lords afterwards came to a different conclusion. With the recollection then, of the circumstances of that case in my mind, I wish to be cautious of acting upon my own judgment without some proof of the fact in dispute, and some evidence as regards the case before the House.

Mr. SHAW. — I think I can mention a case in point. On the death of Lord Farnham, Mr. Henry Maxwell, who represented the county of Cavan, succeeded to the title; and although Lord Farnham had died during the recess, the vacancy was not declared, nor did a new writ issue until the meeting of Parliament; because, as no writ of summons is ever issued to an Irish Peer, the Speaker had no official information on the subject until the meeting of Parliament.

SIR R. H. INGLIS.—I wish to call the attention of the House to the particulars of the case which has been alluded to by my Right Honourable Friend the Member for the University of Cambridge, and which, I think, bears very strongly upon the present case. Here is, in this volume of our Journals, an account of the proceedings in this House on the 10th of January, 1811, on the motion that a new writ should issue for Gloucestershire, in the room of Lord Dursley, who had succeeded to the title of Earl of Berkeley. The Speaker, on that occasion, it appears, did issue his writ; but it turned out, afterwards, that the allegation on which he had proceeded in so doing was incorrect, as the other House of Parliament came to a solemn decision that the gentleman in question was not Earl of Berkeley. But before the House decided, on that occasion, an adjournment was agreed to; and that is all that is asked for, now. I think it is impossible for any Gentleman to state, as a fact within his own knowledge, that Viscount Stormont, by courtesy, is now a Scotch Peer. I therefore think that the House is bound to adjourn the consideration of this subject until an opportunity shall have been afforded of considering the subject.

Mr. HUME.—I feel bound to ask, after the observation of the Honourable Baronet, whether he means to state to the House that there are any doubts as to the legitimacy of Lord Stormont?

SIR R. INGLIS. — I most cautiously abstained from making any reference to the grounds of the decision which I alluded to in the case of Lord Dursley.

Mr. HUME. — The points of that decision are known to every one; and therefore I was justified in asking the question. It was because the Honourable Baronet had not stated what were the grounds of his own opposition to the motion, that I thought it was fit the House should know them.

SIR W. FOLLETT. — I can assure Honourable Gentlemen opposite, who have attributed motives to those who sit on this side of the House in this matter, that I, for my part, am totally ignorant of the local politics of Perthshire. My only object is, that the House should proceed according to precedent, and in a regular manner. I will not condescend to advert to the observation of the Honourable Gentleman, as to whether Viscount Stormont will, or will not, come to the titles of Earl of Mansfield in England and Viscount Stormont in Scotland, as I do not conceive that any one can have the slightest doubt upon that matter. The only question, then, is, whether the House ought not to proceed in the case in the usual, ordinary, and proper course? It has been said that there is no doubt whatever that Viscount Stormont, a Member of this House, has become Viscount Stormont of the peerage of Scotland, and Earl of Mansfield in that of England, and that therefore a new writ for the county represented by him should be moved for immediately. In the case of the Earl of Scarborough, which has been adverted to, there was no doubt of Lord Lumley succeeding to that title; but when a new writ was moved for the county of Nottingham, on the ground that Lord Lumley had been called up to the House of Peers, the Speaker stopped the motion by asking whether that Noble Lord had received a writ of summons; and after some discussion, the same course was taken as has been proposed in the present case by my Right Honourable Friend the Member for the University of Cambridge, — I mean, that the debate was adjourned, and the subject was postponed until the claim had been duly ascertained. This was the case of an English Peer, and no one entertained the slightest doubt as to the death of his father. The Learned Lord Advocate has said, that at the death of a Scotch Peer, his eldest son immediately becomes a Scotch Peer, and is fully possessed of all his privileges; and that, in this respect, the case is not the same as it would be with respect to succession to an English peerage. But in the case of any Member of this House succeeding to an English peerage, this House does not issue a new writ until it is in possession of some proof of the fact of such Member's having become a Peer. I will not pretend to dispute the law of Scotland in the face of the Lord Advocate; but I still think that the House should be guided in this matter by precedent, and that they should pursue the usual course on such occasions, and not issue the new writ until an opportunity has been first afforded of making inquiries. I believe that a Scotch Peer cannot vote for the election of a representative Peer, or perform any of his functions as a Peer, until he has been by a jury first served as heir to the title. But can the Learned Lord, or any other Honourable Gentleman opposite, show a precedent of a writ having been issued immediately on the death of a Scotch Peer, whose heir has represented some Scotch borough or county? If they are not prepared to state any case of the kind, is it not better to pursue the ordinary course, and adjourn the debate? and I am sure that none of my Right Honourable Friends around me have had any other motive for taking the line they have done, but to induce the House to proceed with due deliberation. I trust, therefore, that the House will consent to act in this case as it has done in all similar cases of the kind.

Mr. FOX MAULE. — I wish to draw the attention of the House to this fact. No Honourable Gentleman opposite has denied that Lord Stormont is now a Scotch Peer, and that a representative of this House is bound to attend and do his duty; and were Lord Stormont to attend and do his duty in this House, from that moment he would subject himself to a penalty under the provisions of the Act of Union, and of the Scotch Reform Act. I therefore think that so important a county should not be left without a representative.

Mr. J. JONES. — There can be no doubt that if the Noble Lord had merely succeeded to the earldom of Mansfield in the English peerage, something more than mere assertion would be required, before the House proceeded to issue a new writ; and I cannot conceive why the necessity for such a course is not equally strong as regards the Scotch peerage. For instance, — take a case which has recently been much before the public, where a person of the name of Alexander claimed the Scotch title of Earl of Stirling. Suppose that the eldest son of that gentleman had been a Member of this House, would the House proceed to issue a new writ merely on the allegation of any Honourable Gentleman, that that Member had succeeded to the peerage of Scotland? I therefore contend that in this case a new writ should not be issued until the House has been furnished with some proof in the matter. I believe that, before a Scotch Peer can exercise any functions, it is necessary immediately to serve him by a jury as heir of his father.

Mr. O'CONNELL. — I do not think that the Honourable and Learned Member for Exeter has shown that, by a postponement till Monday, the House would be in possession of more facts connected with this case than they are now. The Honourable Member, himself, stated that there could be no doubt that Lord Stormont, who has been the representative of Perthshire, is now Viscount Stormont in the kingdom of Scotland. If, therefore, Gentlemen opposite wish to wait for a new writ until they can get a candidate for Perthshire, let them say so at once.

[Laughter, and cries of "Hear, hear!"]

LORD JOHN RUSSELL. — It appears to me that there can be no doubt that the House is bound to issue a new writ for a place, if the person representing it is not able to sit and serve in this House. It is usual in cases of this kind, that the Member who moves for the writ should state that he himself is cognisant of the case. There are several recent cases of this kind; for instance, in moving for a new writ for Ludlow, in the room of Lord Clive, who had become Earl of Powis; in the case of Lord Ramsey, for Haddingtonshire, who had become Earl of Dalhousie; in the case of Lord Lovaine, who had become Earl of Beverley. The question, here, was, as to whether the House was satisfied with the statement of the Honourable Members who moved for the writs. If any Honourable Gentleman will say that the Noble Lord has not become a Peer, and that he is not Viscount Stormont in the peerage of Scotland, and Earl of Mansfield in that of England, and that he is still able to do his duty in this House, then it would be against all former practice and precedent to issue the writ; but having heard no such statement made, and believing that the Noble Lord has become a Peer of Scotland, I shall vote for the motion. My Right Honourable and Learned Friend the Lord Advacate is well acquainted with the law of Scotland, and he has declared that there is no doubt as to the matter; and, as no case to the contrary has been quoted on the opposite side, I think that there is no valid objection to our at once issuing the writ. With respect to the case of Colonel Berkeley, then called Lord Dursley, who, it was alleged, had become Earl Berkeley, a new writ was issued for Gloucestershire. I am sure that if, in a case of this kind, the House were to hesitate to issue a writ, very great difficulty might arise from its hesitation. I do not think that the House would say, in case there was any doubt on the matter, and if for two years or more it were disputed as to whether or not Viscount Stormont possessed the right of succession to the peerage; that therefore, for that time, the county of Perth should remain without a representative. If a case of this description were to arise, it would require great deliberation before the House could proceed to act, but not so, in a case where there is no doubt at all. When the writ was moved in the room of Lord Ramsey, on his becoming, by succession, Earl of Dalhousie, if it had been opposed, the seat for East Lothian might have been kept vacant for a long time. That also was the case of a Scotch Peer, and the writ was moved for without delay. I therefore think, on these grounds, that, in issuing the writ, we are only conforming to the usual practice. I shall therefore vote for the motion.

SIR WILLIAM RAE. — In my opinion there can be no doubt as to the Noble Lord having succeeded to the titles of Earl of Mansfield in England and Viscount Stormont in Scotland; but the House has not yet become cognisant of the matter in the proper form. There is no question, in this case, as to the right of succession, any more than in those of the Earl of Scarborough and the Earl of Beverley, and it was not denied that they were the legitimate heirs to those titles. I do not deny that a person could assume the title of a Peer immediately on the death of the previous holder of it; but he could not exercise any of the rights of the peerage until he had proved that he was the legitimate heir to it. This is the case in Scotland as well as England, and the successor to the title, in Scotland, cannot touch one single portion of the property connected with the peerage until he has been served by a jury as legitimate heir to his father; and this is also the case with respect to his right of voting in the election of the sixteen representative Peers of Scotland. It is the usual course, when the eldest son of a Scotch Peer succeeds to the title, to prove, immediately, that he has been served heir to his father.

The LORD ADVOCATE. — I contend that, immediately on the death of a Scotch Peer, his eldest son unqualifiedly becomes a Peer of Scotland, and no proceedings are necessary to give him all the rights of his station. It might be only after the lapse of several years, before it would become necessary for him to serve himself as heir to his father. If we were to wait, in every case, until the House had legal knowledge of the possession of a title, and that a Member had become a Peer, it would often be almost impossible to fill up a vacancy. If the House is satisfied that the Noble Lord has vacated his seat, in this case, by succeeding to a Scotch peerage, the course proposed by my Honourable Friend is, undoubtedly, the just one.

SIR G. CLERK. — It is perfectly true that, prior to 1811, it was the custom to move for a new writ, on a Member succeeding to the peerage, merely on the declaration of any Honourable Member. When, however, the House was guilty of the blunder of ordering a new writ for Gloucestershire in the place of Viscount Dursley, who, it was alleged, had become Earl of Berkeley, it was found expedient to abstain from doing so for the future until the writ of summons should have been issued from the other House. There is one case which has reference to the subject, and which has not been alluded to. When the present Earl of Wemyss succeeded his grandfather in the peerage, his eldest son, who was Member for the Haddington boroughs, became Lord Elcho. The House is aware that, previous to the Scotch Reform Act, the eldest son of a Scotch Peer could not represent a place in Scotland. The consequence was, that a new writ was moved for, to fill the vacancy created by Lord Elcho, who had become the eldest son of a Scotch Peer. Before, however, this was done, the House took time to have the matter inquired into. Again, in the case of the present Earl of Beverley, there was no doubt that Lord Lovaine, who was then Member for Beeralston, was, as the eldest son, the successor of his father. When a new writ was moved for that place, on the death of the then Earl of Beverley, it was objected that the House had not sufficient cognisance of the matter. That Noble Lord was then at Nice, and the House refused to issue a new writ until it had had some communication with him. I do not think that there is the slightest difficulty in this matter; and if the House is determined to adhere to all its former practice, it ought to consent to adjourn the debate on this subject.

LORD VISCOUNT HOWICK. — I take the rule to be this,—that on the eldest son of a British Peer succeeding to the peerage on the death of his father, the House requires evidence of that fact, which is generally furnished by the writ of summons. It might be desirable that the House should have some evidence as to what is done on Members succeeding to Scotch or Irish peerages, if any one could say that the present proceeding is contrary to the practice which has been described by the Learned Lord Advocate, who has not been answered by Gentlemen opposite, nor have they shown that it is the practice of the House to require evidence of the death of a Scotch or Irish Peer on a Member of this House succeeding to a Scotch or Irish peerage. It appears to me that, if any such practice has existed, it is hardly possible that Honourable Gentlemen opposite should not have been aware of it, and that instances of it would be brought before the House. I have heard nothing to show that the practice has existed from the Right Honourable Baronet who was formerly Lord Advocate, or from any other Gentleman opposite. The Right Honourable Member for the University of Dublin has stated a case of succession to an Irish peerage, which, I think, rather bore against the argument taken by Gentlemen opposite. It is the duty of the House to adhere to the practice which has hitherto been followed in this matter, which certainly appears to me to be, to issue a writ on a case of this kind occurring. We have had no evidence that it is necessary to show that, in a case like the present, a Scotch or Irish peerage has been inherited; I have, after some doubt, made up my mind to vote against the adjournment of the debate.

LORD STANLEY. — It appears to me that the reasons given by my Noble Friend who spoke last, are such as ought rather to induce him to vote for, than against, postponement. All that the opponents of the motion have asked is, that the question should stand over till the next day the House meets, in order to ascertain what the rule is with respect to Scotch and Irish peerages. Every one is aware that the House, in the case of succession of a Member of this House to an English peerage, requires technical proof that a vacancy has occurred. Now, with respect to the present case, it appears that we do not really know what the practice is, and we ask for time to discover it. We do not know whether any proofs of preliminary proceedings are necessary or not in the case of a Scottish peerage; and I must say that it is rather too much of the Noble Lord opposite to require that we should have at our fingers' ends every case upon the subject, when no one on this side of the House could have had the least idea that such a question would be mooted to-night. It could never have been supposed, by us, that, within three days of the death of Lord Mansfield, such a motion would be made in the House of Commons. It is a proceeding hitherto unheard of. The recentness of the event might be some apology for those who have asked for adjournment, not being prepared with precedents; but it is that very circumstance which renders it so exceedingly inexpedient to adopt the motion. If the Honourable Gentleman the Under Secretary for the Home Department had brought forward precedents, showing the practice to be such as justified his motion, then he should at once have my vote. If the precedents and practice are in favour of the motion, it will not be opposed; but, on the other hand, if the motion is forced forward in this manner, we shall feel ourselves warranted in pressing the amendment. We are entitled to be made acquainted with the sound and solid grounds upon which we are to be called on to issue this writ, contrary to the practice as regards English peerages; and I must say that the rejection of the amendment will go to establish a most inconvenient precedent.

The House then divided: — Ayes 165, Noes 136; Majority 29.

AYES.

A'Court, Captain
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Bailey, J.
Baillie, Colonel
Baring, Hon. W. B.
Barneby, J.
Barrington, Lord Vt.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blakemore, R.
Bolling, W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burrell, Sir C.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Cochrane, Sir T. J.
Colquhoun, J. C.
Conolly, E.
Corry, Hon H
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Duffield, T.
Dugdale, W. S.
Duncombe, Hon. A.
Duncombe, Hon. W.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Forester, Hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Grimsditch, T.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Hardinge, Rt. Hn. Sir H.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hogg, J. W.
Holmes, Hon. W. A'Court
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W
Hotham, Lord
Houldsworth, T.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irving, J.
Jackson, Mr. Serjeant
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jones, Captain

Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knox, Hon. T.
Law, Hon. C. E.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Visct.
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Parker, R. T.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, Hon. G. J.
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Powell, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T M.
Teignmouth, Lord
Thomas, Colonel H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Wilbraham, Hon. B.
Wilmot, Sir J. E.
Wood, Colonel
Wood, Colonel T.

Tellers.

Baring, H. B.
Follett, Sir W.

NOES.

Adam, Admiral
Aglionby, Major
Alston, R.
Anson, Hon. Colonel
Archbold, R.
Bainbridge, E. T.
Baines, E.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Clay, W.
Collier, J.
Corbally, M. E.
Craig, W. G.
Curry, Mr. Serjeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, Sir R.
Easthope, J.
Elliot, Hon. J. E.
Ellice, Captain A.
Ellice, Rt. Hon. E.
Ellis, W.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Harland, W. C.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Langton, W. G.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
M'Taggart, J.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, Hon. C. G.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, F.
Palmerston, Lord Vt.
Pattison, J.
Pechell, Captain
Philipps, Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pinney, W.
Ponsonby, Hon. J.
Ponsonby, C. F. A. C.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Shelborne, Earl of
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Standish, C.
Staunton, Sir G. T.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.

Tellers.

Parker, J. (Sheff.)
Stanley, Hon. E. J.

The motion was then agreed to, and a new writ was ordered to be issued.

INVERNESS BURGHS.

On the motion of Mr. E. J. STANLEY, a new writ was ordered to be issued for the Inverness district of burghs, in the room of Mr. R. Macleod, who had accepted the Chiltern Hundreds.

LEGACY DUTIES.

Mr. HUME moved for a Return showing the amount of capital on which the several rates of legacy duty have been paid in Great Britain and Ireland in the year 1839, distinguishing the amount of each rate paid in that year (in continuation of parliamentary paper No. 226. of 1839), with an abstract of the total amount under each rate since 1797: Also, For a Return of the total amount of revenue received in the Uunited Kingdom in the year ending the 5th day of January, 1840, for stamp duty on legacies (distinguishing those on direct and on reversionary bequests, if possible), on probates, administrations, and testamentary inventories; distinguishing the amount from England and Wales, Scotland, and Ireland (in continuation of parliamentary paper, No. 226. of 1839), with an abstract of the whole amount of duty received since 1797.

Agreed to.

LORD J. RUSSELL. — I move that the dropped orders of yesterday be now proceeded with.

The dropped orders of Thursday were then proceeded with.

CASE OF FROST, WILLIAMS, AND JONES.

Mr. Leader fixed for Tuesday next, his motion on the petitions from Frost, and from Glasgow and other places, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones.

The other dropped notices were then postponed.

AFFAIRS OF TURKEY.

SIR R. PEEL. — Before the House goes into a Committee of Supply upon the navy estimates, I wish to put a question to the Noble Lord the Secretary for Foreign Affairs. It refers to a paragraph in the speech delivered by Her Majesty at the commencement of the present Session, which was to the following effect: —

> The affairs of the Levant have continued to occupy my most anxious attention. The concord which has prevailed amongst the five powers has prevented a renewal of hostilities in that quarter; and I hope that the same unanimity will bring these important and difficult matters to a final settlement, in such a manner as to uphold the integrity and independence of the Ottoman empire, and to give additional security to the peace of Europe.

Now, I wish to ask the Noble Lord whether the proper construction of this passage is, that the five powers are unanimous in the principle that the integrity and independence of the Ottomon empire should constitute the basis of the settlement? I will again read the latter part of the paragraph to which I wish particularly to call the Noble Lord's attention: —

> I hope that the same unanimity will bring these important and difficult matters to a final settlement, in such a manner as to uphold the integrity and independence of the Ottoman empire, and to give additional security to the peace of Europe.

I wish to know if the construction I am to put upon that paragraph is, that the five powers are unanimous in making the integrity as well as the independence of the Ottoman empire the basis of the settlement; and if I am right in that construction, I wish to ask whether that unanimity still continues, and whether there is any prospect that the affairs of the Levant will be speedily brought to a final settlement?

VISCOUNT PALMERSTON. — The passage to which the Right Honourable Baronet has alluded expressed a hope that the five powers would be unanimous in bringing about a settlement, founded on the basis of preserving the independence and integrity of the Ottoman empire, as they had been unanimous in preserving peace in that quarter. The hope was founded, first, on the opinion entertained of the subject by Her Majesty's Government; secondly, on the opinion expressed on the subject in the speech of the King of the French at the opening of the Session, in which the integrity and independence of the Ottoman empire were specially mentioned; and, thirdly, on the knowledge possessed by Her Majesty's Government of the opinions of the other three powers. With respect to the remaining part of the question, I can only say that these matters are, at present, the subject of negotiations between the five powers, and I am sure the Right Honourable Baronet would be the last person to wish me to enter into premature explanations and details as to the particular position in which negotiations of such magnitude and importance may happen to stand.

SIR R. PEEL. — I wish to put another question to the Noble Lord, which is, whether there is any—and what—prospect of these affairs being brought to a settlement at an early period?

VISCOUNT PALMERSTON. — It would be impossible for us to anticipate the period; I can only say that the subject occupies the most anxious attention of Her Majesty's Government. We are in communication with the other four powers on the subject, and I believe they are all impressed with the great importance of bringing this question to a final settlement at as early a period as is compatible with its complicated nature.

THE MEDITERRANEAN FLEET.

CAPTAIN FRANCIS BERKELEY. — I wish to inquire from the Secretary to the Admiralty, whether the ships in the Mediterranean have a full war or a peace complement of men?

Mr. M. O'FERRALL. — The Mediterranean fleet is not upon a war complement, but upon an increased peace establishment.

CLAIMS OF BRITISH SUBJECTS ON PORTUGAL.

LORD J. RUSSELL. — I move the Order of the Day for the House going into Committee of Supply.

Upon this question being put, —

LORD VISCOUNT SANDON said: — Before the House goes into Committee of Supply, I wish to call its attention to the claims of a number of our fellow countrymen on the Government of Portugal. I shall be, perhaps, excused for pressing this subject on the attention of Her Majesty's Government, on account of the length of time during which these claims have remained unsatisfied, and on account of what I trust will be the unanimous opinion of the House upon the question. As, on a former occasion, I brought this subject forward in detail, I think that the House are aware of the nature of those claims. The House will remember that, in 1832, several of our fellow countrymen were induced to enter into the service of Don Pedro, the Emperor of Brazil, and then a claimant for the throne of Portugal. The claims of these men were recognised not only by the Government, but also by the Cortes of Portugal, and by every successive administration which has since existed in that country, who contented themselves with praising, but at the same time starving, these unfortunate men. There can be no doubt that it was the bravery of these men that achieved success for the cause in which they were engaged, and that placed Don Pedro on the throne of his ancestors. When these services were performed, — when the enemy had disappeared from the field, — the Portuguese Government denied these gallant men the rewards to which they were entitled. It is unnecessary to mention to the House that those gallant men enlisted exactly on the same terms as the marines who served under Admiral Sartorius, at that time engaged in the service of Don Pedro. As soon as their gallantry had accomplished all that had been required by those in whose service they were engaged, then attempts were made to sow divisions among the British auxiliaries. A new proposition was put to them, that they should surrender the advantageous terms upon which they enlisted, and accept new ones instead of the original conditions. If these conditions had been left to the option of the auxiliaries, of course no objection could be made to them. But such was not the case. When these conditions were submitted to them, those who objected to accept them, and to abandon the original conditions, were treated with the greatest ignominy and cruelty. They were treated as common felons, confined in loathsome dungeons, reduced to utter nakedness, and left destitute of every means of support. When I had read the particulars of the treatment of these men, though by no means wishing to make it a party question, or to impeach the conduct of any one, I could not help inquiring what were her Majesty's Government about at the time? What were they about when hundreds of their fellow subjects were rotting in dungeons? Having alluded to the torments inflicted upon those who refused to serve upon the new conditions proposed by the Portuguese Government, I will now refer to the case of those who did not object to them, but who passively submitted without rejection or acquiescence. Their sufferings were not equal to those of the former class; but they were defrauded: no payment was made of their stipulated pay from the beginning of January, 1834, till September, 1835; and when a settlement was proposed, every fraud and evasion which could be employed were used to withhold their pay from these brave officers and soldiers, and not one shilling would be given them unless they brought a receipt in full. They were told, "Take this, whatever it is, or you will not get any." They were compelled to accept these terms, not having been supported by the British Government as they should be. For two years of valuable service they have not, to this day, received any remuneration whatever. Commissioners were, from time to time, appointed for the obvious purpose of delaying and defrauding these unfortunate men. Since 1835 these unhappy persons have been wandering through the streets of Lisbon supplicating for their own — some perishing for want, others destroying themselves in despair, while the rest remain defrauded. In August, 1839, the Noble Viscount opposite, the Secretary for Foreign Affairs, engaged that a peremptory demand should be made upon the Government of Portugal, and, in default of a satisfactory settlement being made, he said a Commission would be formed similar to what had been established in the case of Spain — namely, one commissioner on the part of the claimants, another on the part of the Portuguese Government, and a third to be appointed by the Government of this country. The demand for such a Commission has accordingly been made; but hitherto it has proved to be abortive. At length it was intimated that if no attention were paid to these demands, the Government of this country would take the matter into its own hands, and appoint a Commission of its own, and would take means to obtain a peremptory settlement of their claims. This intelligence diffused joy among those unhappy men, and an anticipation of the fulfilment of their hopes. By the Portuguese official *Gazette* it appears that the application has been made by the Noble Viscount. That communication, however, has been disregarded by the Minister for Foreign Affairs in Portugal. The Noble Viscount proceeded again in a more peremptory tone than before, and gave instructions to Lord Howard de Walden to request the Portuguese Government to appoint the Commission for inquiring and deciding upon the claims of the auxiliary British subjects who had served as officers and privates in the war of the restoration; and to state that, in the event of such Commission not being nominated on the part of Portugal, the Government of England would appoint a Commission, and enforce from Portugal full satisfaction of the demand. That application was neglected, and another was made on the 9th of November last, but no redress from that day to the present has been obtained. The only change in the circumstances has been this — that a change of Government in Portugal has taken place, and that the present Minister of Foreign Affairs is a still more decided opponent to these claims than the former one. It is true that two Commissions have been sitting, nominally for the purpose of inquiring into those claims; but to show how inefficient they have been, I need only state that the second Commission, which has sat, now, for three years, has decided only on one claim, and that was an amount of 40*l.* An English officer sat on one of these Commissions, but he acknowledged to his countrymen that he could not assist them. I ask nothing extraordinary in this case, but only that Her Majesty's Government should carry out their own stated intentions of enforcing on Portugal that course which, in similar circumstances, has been pursued with regard to the Court of Spain. We hear nothing of French claims, or Belgian claims, or American claims; it has happened in this, as in all other cases, that the claims of other countries have obtained satisfaction while those of Great Britain remain unsatisfied; and in this instance the country which withholds satisfaction from British subjects is one which owes everything to British assistance. I have no personal concern whatever in this question; it has accidentally fallen under my notice; but, having perused the documents relating to it, I am determined that so just a cause shall not fail for want of an advocate. I will now, Sir, conclude by moving, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words, "an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to appoint a Commission, to sit in London, forthwith, for the purpose of investigating the claims of British subjects upon the Crown of Portugal for civil and military services rendered to that power; and that Her Majesty will be pleased to take speedy and efficient measures with the Government of that country for procuring an immediate settlement of the claims so to be established," instead thereof.

SIR GEORGE CLERK. — I beg to second the motion.

Question proposed,—" That the words proposed to be left out stand part of the question."

VISCOUNT PALMERSTON. — I can assure the House that I am very much disposed to agree with the Noble Lord who has just sat down in a great part of what that Noble Lord has said with respect to the conduct of the Portuguese Government towards those parties in whose behalf he has just addressed the House. Undoubtedly the conduct of the successive Administrations of Portugal towards men to whom the Queen of that country is so deeply indebted, is entirely deserving of reprobation; but the Noble Lord is mistaken in supposing that Her Majesty's

Government have been less urgent in their applications to the present than in those which they addressed to the former Administrations of Portugal, for the purpose of procuring the concurrence of the Portuguese Government in the appointment of a Commission which should sit in London. It is true that when the present Portuguese Ministry first came into office, and professed a sincere desire to do justice to the claims of British subjects, it did appear to Her Majesty's Government to be fitting and becoming to give that Ministry an opportunity of taking a short time to make the necessary arrangements to carry its good intentions into effect. But when it appeared that, whatever might be the inclination of the Government, results did not follow in as prompt and satisfactory a manner as we were entitled to expect, the Government of this country addressed to the Portuguese Minister the communication which has been mentioned by the Noble Lord opposite. An answer to that communication is now daily expected. The Portuguese Government have been told that the Government of this country cannot or do not expect justice from any Commission sitting in Lisbon, and that no arrangement will be satisfactory but the appointment of a Commission which is to sit in London; and the Portuguese Government has also been told by that communication, that if it will not concur in the appointment of such a Commission, the British Government will do that which the Noble Lord opposite proposes to effect by an Address to Her Majesty; — that is, Government will advise Her Majesty to appoint a Commission composed entirely of British subjects, for the purpose of investigating these claims; and further, whatever amount those Commissioners shall determine to be due on account of these claims, Her Majesty's Government will demand from the Government of Portugal. I think I have now exculpated myself with respect to the charge that Her Majesty's Government have been less pressing with the present Portugese Ministers than they were with former Administrations, on the subject of these claims. I have only further to say, in answer to the Noble Lord's question, why we have unsatisfied claims against Portugal, while we have had none against France, Belgium, or the United States ——

LORD VISCOUNT SANDON. — I beg leave to explain. I have been misunderstood. What I said was, that claims made on Portugal by other countries — such as France, Belgium, or the United States — were attended to, while those of Great Britain were neglected.

VISCOUNT PALMERSTON. — I beg pardon for having misunderstood the Noble Lord. I believe there was a Belgian corps which was paid and sent home, because the Portuguese Government were very anxious to get rid of them; but what I at first understood the Noble Viscount opposite to say was, that this country had not met from Portugal the same justice that it had experienced from other powers; and, under this impression, I was going to say that the difference to which I supposed the Noble Lord to advert arose from the fact, that Portugal was still suffering under that demoralisation which is the consequence of a bad Government; but that when a constitutional and representative system of Government shall have been established in Portugal as long as it has now been in France and in the United States, we may look for a very different state of things. I would suggest to the Noble Viscount the expediency of postponing his motion for the present, since it is possible that the Portuguese Government may agree to the proposition which has been made to it on the part of this country, and then the Noble Lord's motion would fall to the ground.

SIR HENRY HARDINGE. — I very much regret having coming down to the House without having perused the papers now on the table. I am consequently unacquainted with all the circumstances connected with these claims; but I know that some British subjects who have served in Portugal have been driven by the injustice of the Portuguese Government to acts of mutiny, and have then been punished for those acts by being treated like galley slaves. It is quite notorious that British subjects brought about the restoration of the present dynasty to the throne of Portugal, and that to their resolution and discipline the present Queen of Portugal owes her crown. Nevertheless, when those men put forth their just claims, they met with such treatment as drove them to acts of mutiny; and is it possible to conceive that the representative of the English Government at Lisbon could see these persons chained together and forced to clear all kinds of filth from the streets, because they pressed for a settlement of their just demands, without making representations on the subject to the Portuguese Government? The Noble Viscount the Secretary for Foreign Affairs has fairly stated the case so far as regards the interference of the British

Government; but the Noble Viscount has not satisfactorily shown how it is, that, for five years, those men have not been able to obtain a satisfaction of their claims. That appears to be the pinching part of the question. I do not know all the facts of the case; but, in general, I disapprove of men enlisting for pay in the service of a foreign state without the consent of their own Government, and I think that such a proceeding should be discouraged, and not encouraged; still, when British subjects are exposed to such infamous and shameful treatment as they appear to have suffered in this case, in the public streets of Lisbon, I cannot but think that it shows a want of energy on the part of those who represent Her Majesty's Government at that court.

Mr. HUME. — I think that there is no man who has heard the statements of our countrymen, but must feel convinced that the Government of Portugal has been guilty of the blackest ingratitude towards them. At the same time, the question arises, in what way the British Government have sanctioned the services of these individuals to the Queen of Portugal? If any sanction has been given by the Government, the Government ought long ago to have required satisfaction from Portugal; but if these men engaged themselves without the knowledge or sanction of Government, they have no right to call upon Government for assistance in the prosecution of their claims. I should be glad, therefore, to hear the Noble Viscount explain the exact situation in which they are placed.

Mr. O'CONNELL. — I cannot agree with my Honourable Friend in thinking that the Portuguese Government has any right to canvass the question of whether or not these men entered the service of Portugal with the consent of their own Government. It is not for the Portuguese Government to canvass whether they were right or wrong in giving their services: it has taken advantage of their services, of their military prowess, and their inherent valour; and the exertions of these brave men have been attended with complete success. Nothing can be plainer than the case between them and the Portuguese Government. It was through their means that the ally of this country, the Queen of Portugal, was placed on her throne; and if it were not for them, she would now be an outcast from her country, and a dependant upon the bounty of some other power; and for the Portuguese Government, after all this, to hesitate about paying them, is most monstrous; and no British Government would or could be justified in allowing such an indignity to be offered to those men, or such a shameless robbery to be committed upon them. I shall not object to the motion being postponed; but I hope it will be but for a very short period. As long as we pray, and as long as we entreat the Portuguese Government, that Government will never do anything; it will not pay until we tell it that it shall pay. A peremptory tone should be adopted with a Government that could have the baseness and the meanness to act in the way that the Government of Portugal has done. The additional disgrace should then be imposed upon it of compelling it, however unwilling it may be, to make full and satisfactory compensation.

VISCOUNT PALMERSTON. — Sir, in reply to the question of the Honourable Member for Kilkenny, I beg to state that, undoubtedly, those who took part in the Portuguese war had not the sanction of Her Majesty's Government, like those who went into the Spanish service; yet there can be no doubt that there was an obligation imposed upon the Portuguese Government to pay them; and, under the circumstances, Her Majesty's Government have a right to see that they be paid. The Right Honourable and Gallant Member opposite has said that Her Majesty's minister at Lisbon did not interpose when the men in the service of the Portuguese Government were treated in the manner he has described. The fact is, that Her Majesty's minister did make as strong representations as he could, with respect to persons who were at the time in the military service of a foreign power, and which representations, moreover, were attended with satisfactory results.

SIR HENRY HARDINGE. — I must repeat that there can be no doubt that a number of British soldiers were put in chains, and employed in all the dirty offices in the streets of Lisbon. The Portuguese themselves — those who had been witnesses to what had been done by the British in the peninsular campaigns — were shocked and disgusted at such an exhibition. The representations, if made by a British minister, must have been very tardy, because the men were made to do this for several weeks. If representations were made by Her Majesty's Government, they were not attended with success, as for a long period these unfortunate men were half starved, were paraded about the streets, and treated as the scavengers of Lisbon.

LORD SANDON. — Sir, in consequence of what has fallen from the Noble Lord opposite, I will consent to suspend my motion, but I only suspend it. I do not hope anything in such a case as this from generosity; I do not hope anything from justice; but I do, from compulsion.

Amendment, by leave, withdrawn.

POSTAGE OF PARLIAMENTARY PAPERS.

CAPTAIN POLHILL. — I wish to ask a question of the Secretary of the Treasury with respect to the transmission by post of the Votes and Proceedings of the House. The Chancellor of the Exchequer, in reply to a question put to him by the Right Honourable Member for the University of Cambridge, stated, on a former evening, that the Votes and Proceedings of the House would go, free, to any part of the empire and of the colonies. The complaint which I have to make is, that, in granting a boon, he has, in reality, only granted half a boon. I have to complain of the inconvenience to which Members are subjected, in order to obtain stamps; for these Votes and Proceedings cannot be sent free unless they are sent from the House, and Members are thus subjected to the trouble of coming down to the House in order to send off their papers. I wish to ask the Secretary for the Treasury whether it is likely that any remedy to this evil will be afforded? If not, I will give notice of a motion on the subject.

Mr. ROBERT GORDON. — In answer to the Honourable and Gallant Member, I beg to say that it is confidently expected that the inconvenience complained of will be obviated by the general introduction of stamps, which I expect will shortly take place.

CAPTAIN POLHILL. — As an instance of the inconvenience resulting from the present arrangement, I may mention that, in consequence of there being no House yesterday, I was unable to send the Votes and Proceedings to my constituents, who will be disappointed at not receiving them this morning.

Mr. ROBERT GORDON.—That cannot be much cause of disappointment to the Honourable Member's constituents, as they will have them to-morrow.

SIR E. KNATCHBULL. — I am well aware of the wit and humour of my Honourable Friend the Secretary for the Treasury, and no one admires it more than I do; but I certainly think that such a subject as the means of communication between a Member and his constituents should not be treated with levity, or made a matter of joke. With respect to the matter before us, I certainly feel that Members are, at present, subjected to much inconvenience, which it would be desirable to put an end to.

Mr. R. GORDON. — I am extremely glad to see the Right Honourable Baronet so anxious for the circulation of the proceedings and papers of the House. I am sorry that the Chancellor of the Exchequer is not now in his place, for it has devolved upon my Right Honourable Friend to make all the arrangements with respect to postage, and I do not interfere with them.

SIR E. KNATCHBULL. — I must confess that the explanation is satisfactory, in so far as my Honourable Friend is concerned; for if he have not the information required, he cannot give it; but his confession adds one more to the many proofs we have lately received of the lamentable state of confusion in which the government is carried on.

Mr. HUME.—Sir, in my opinion, there must have been some mistake in the circumstance to which the Honourable and Gallant Member alludes. I was a member of the Committee who considered this subject, and we passed a resolution recommending that the Votes of the House and the Bills should be allowed to go free. I can only say that I then thought the provision satisfactory, and not open to blame.

Mr. GOULBURN. — I really do not think the Honourable Member understands what it is we complain of. What we complain of is, that we have not at present the means of sending Votes and Bills to our constituents, without being subject to the necessity of sending them from the House, and of directing them in the room below stairs. We cannot send them after the House has broken up, for we might find no one in attendance in the room below. This is a great inconvenience, and I think we ought to devise some means by which a person at the House might be allowed to send the Votes instead of the Member himself being obliged to come down for that purpose. I am sure that, if my Honourable Friend opposite would mention the matter to the Chancellor of the Exchequer, the inconvenience would be remedied.

SIR G. CLERK. — I wish to ask why we should make a distinction in respect to postage between the Votes and Proceedings and newspapers? The only reason why the Chancellor of the Exchequer proposed the present regulation was, in order that a person in the room below might keep an account with the Post Office of the weight and number of papers sent. Was this done to increase the returns? I do not see why Members should not be allowed to send the Votes and Proceedings and Bills, as before, in a cover open at both ends. There could be no danger that any improper use would be made of this permission; and, if anything be written within, let the papers be subject to postage in that case, in the same way as newspapers now are. I do not see why Members should not be allowed to send their papers from their own houses, instead of being obliged to come down to the House for that purpose, unless the object be to swell the Post Office returns by a few thousands.

LORD VISCOUNT SANDON. — I do not understand how, when we are engaged in a contest for the right of publication, in which I have joined, we can, at the same time, be throwing obstructions in the way of that publication. I have more inconvenience to complain of from these new arrangements than other Honourable Members, on account of the numerous and important constituency which I represent. I do not recognise the advantage of each department keeping a separate account with the Post Office; it can only lead to inconvenience, and encumber the public accounts. I hope we shall be allowed to return to the simplicity of the old system of forwarding our papers, as I think that every facility ought to be afforded to enable Members to communicate with their constituents.

Mr. WARBURTON. — I hope that, after the observation made by the Noble Lord, the House will look with very great jealousy at any attempt to break through the regulation advised by the Chancellor of the Exchequer. It appears, from the Noble Lord's observations, that the present is only the first step, and that the next demand will be for the privilege of franking for the whole of the public offices. If we now extend the privilege of franking to public officers, they would be found, as it used to be formerly, to be converted into the most monstrous abuse. I admit that there may be some inconvenience in the present practice. The parliamentary papers might be sent under the special direction of the Members; but they ought to be put in, in this House. It might be quite sufficient, if a Member were not able to attend at the House, to make out a list of the papers he desired to send, and have them given to the officer of the House. A facility of that kind might be afforded; but we ought not to depart from the regulation that it is from this House that papers are to be sent.

SIR F. TRENCH. — Perhaps I may be allowed to request that the Secretary of the Treasury will explain the meaning of that minute which appeared in the papers of yesterday, to the effect that Members may now send papers weighing four ounces, for one penny; whereas, formerly, they could only send the weight of two ounces, inconsistent as all this is with a memorandum I have read, emanating from Mr. Speaker, stating that printed papers were to be sent free.

Mr. R. GORDON. — May I inquire to what paper the Honourable and Gallant Officer alludes?

SIR F. TRENCH. — It is a Treasury minute.

Mr. R. GORDON. — May I ask its date?

SIR F. TRENCH. — The paper is headed "Treasury Minute," and bears date the 17th of February, 1840. It declares that Members may now send papers weighing four ounces for one penny, whereas they could, formerly, only send the weight of two ounces. This is wholly at variance with Mr. Speaker's memorandum, that they should be transmitted post free.

SIR W. JAMES.—While the Honourable Secretary for the Treasury is considering his answer, I will take this opportunity of bearing testimony to the truth of the statement of the Noble Lord the Member for Liverpool. I also represent a large commercial constituency, and have been very much obstructed in the transmission of important papers to them by the present regulation.

Mr. R. GORDON. — I believe that the order alluded to by the Honourable and Gallant Member is a general one, applying to all papers sent through the Post Office.

Mr. GOULBURN. — Sir, though not Secretary for the Treasury, I believe I can explain the discrepancy. Does the Honourable Secretary, then, give it up? If the papers are sent by a Member through the Post Office from his own house, the sum of one penny is charged for every four ounces; but if they are put into the box of the House of Commons, they go free.

Mr. GORDON. — My Right Honourable Friend has closed the case for the Secretary of the Treasury!

CAPTAIN POLHILL. — I do hope that some more convenient and satisfactory arrangement will be made with respect to the transmission of parliamentary documents; and in that expectation I will allow the matter to drop for the present.

PRIVILEGE (CASE OF THE SHERIFFS).

SIR M. WOOD.—Sir, I will take this opportunity to put a question to the Noble Lord the Secretary for the Colonies. It appears, from the public papers, that in consequence of an occurrence yesterday, the progress of the writ of inquiry in the case of "Stockdale *v.* Hansard" has been postponed for two months; I beg, therefore, to inquire whether, as the sheriffs cannot be called on to do any act in pursuance of that writ till somewhere about the 20th of April, it is still the Noble Lord's intention to persevere in the imprisonment of the sheriff during the whole of that period? I do hope, after the exhibition of popular feeling on this subject, which I understand has taken place to-day, at a meeting where my Honourable Friend the Member for Kilkenny was dragged out of the chair, and the Honourable Member for Finsbury tossed over the platform rail, ——

[Laughter, and a cry of "Oh!"]

the Noble Lord will see the propriety of relaxing somewhat in the severity of the sheriff's treatment.

LORD J. RUSSELL.—I can only say that, if the sheriff has any application to make to the House, or any submission to make, it had better be done in the regular way, by petition.

Mr. HUME. — I trust I may be allowed to say a word or two, as my name has been introduced into this conversation. The Honourable Baronet, the Member for the City of London, is entirely misinformed as to the circumstances. The facts are simply these: — The freeholders of Middlesex met quietly, and for nearly an hour went on with the regular business of the meeting, when the deputy sheriff arrived, attended with a riotous assembly, and attempted to disturb the proceedings.

[Renewed cries of "Oh, oh!"]

CAPTAIN POLHILL. — I beg to say, having been present at the meeting, that the Honourable Member for Kilkenny, although presiding on the occasion, is not at all correct in his statement of what had occurred.

The SPEAKER. — Honourable Members must see that this discussion is quite irregular, as there is really no question before the House.

THE TRADE IN OPIUM.

Mr. HERRIES. — I beg to put another question to the Honourable Secretary for the Treasury, which I hope he will be enabled to answer with greater ease than the other. I wish to know whether any communications have passed between the Treasury and the applicants for compensation for opium destroyed in China, since the date of the last communication, in which the Honourable Secretary informed them that it was not the intention of the Treasury to make any application to the House for a vote to meet their claims?

Mr. R. GORDON.—There has been no written application from the parties, nor any communication to them from the Treasury, since the date of the note referred to by the Right Honourable Gentleman.

Mr. HERRIES. — I beg to repeat my inquiry — if there has been no intimation of opinion given to the parties since that time, on the part of the Treasury?

Mr. R. GORDON. — No intimation whatever. All that has taken place has been the mere fact that certain formal notices have been served at the Treasury by notaries public.

Mr. HERRIES. — I hope the papers connected with China will be laid on the table by the beginning of next week?

VISCOUNT PALMERSTON. — Certainly.

Main question put, and agreed to; order read; Navy estimates referred.

opposite would mention the matter to the Chancellor of the Exchequer, the inconvenience would be remedied.

SIR G. CLERK. — I wish to ask why we should make a distinction in respect to postage between the Votes and Proceedings and newspapers? The only reason why the Chancellor of the Exchequer proposed the present regulation was, in order that a person in the room below might keep an account with the Post Office of the weight and number of papers sent. Was this done to increase the returns? I do not see why Members should not be allowed to send the Votes and Proceedings and Bills, as before, in a cover open at both ends. There could be no danger that any improper use would b made of this permission; and, if an thing be written within, let the paper subject to postage in that case, in the way as newspapers now are. I see why Members should not be to send their papers from th houses, instead of being oblige down to the House for that p less the object be to swell th returns by a few thousands.

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lead to number voted last year; and, as it is
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allo required during this year, I trust the
old Committee will not object to sanction it.
th My Honourable Friend the Member for
Halifax stated, last year, in moving the
Navy Estimates, that the Board of Admiralty had decided on increasing the pay of petty officers, of assistant surgeons in small ships, of engineers; and on appointing naval instructors in the place of schoolmasters. The increase of 1000 men will require the sum of 36,700*l.* The increased employment of small ships adds to the expense by about 7460*l.*; and the increase of pay which I have stated will cause the total increase on No. 1. to amount to 60,060*l.* On the second head, entitled victuals for seamen and marines, the increase amounts to 50,597*l.*; of this sum, 18,690*l.* is for victuals for the in-

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their return to port; a great portion of the strength of the yards has been applied to the building of steam vessels, and to the increase of small vessels, of which the navy stood in great need; consequently, the building of large ships has not been as much attended to as is desirable, from the efforts making by other powers. When the peace establishment was fixed, in 1819, we had a number of large ships remaining, after the close of the war: at that time, no other navy existed in the world, and so the case continued up to 1830; but since that, great efforts have been made by every naval power in Europe to increase their fleets, more particularly by France. It therefore becomes us, if we wish to maintain our naval supremacy, to give attention to the subject in time, as the best, the cheapest, and most desirable means of preserving the general peace — in which all nations are interested. Even in the midst of our financial difficulties, — which, though temporary, are not less pressing, — the Government, looking to the importance of this point, with a view to maintain the maritime supremacy of this country, have not hesitated to come down to the House and propose what some would consider a large increase to the estimates. On No. 9., wages in our dockyards abroad, — there is an increase of only 900*l.* This is chiefly applicable to the salary of a shipwright officer in India, where it is proposed to construct 10 large ships

of the line, which will convey to England the frames of 10 more. No. 10. Naval stores. The increase on this head is large; — it amounts to 136,153*l*. A portion of it will be applied under the head of standing contracts for materials to be employed in the steam factory at Woolwich; but a much larger portion is applicable to increase our supply of timber, and bring it up to the full establishment. An occasion now presents itself for obtaining a considerable supply of timber, of that quality most required, — which is at all times difficult to procure, and most desirable to possess. The store may be large, but if there be a deficiency of a particular kind, the remainder would be comparatively useless. The vote of this year will bring the whole of the dockyard stores up to the full establishment; so that, in the event of any sudden emergency, we shall have within our yards the means not only of equipping our large fleet in ordinary, but of continuing our works without being obliged to go into the market under circumstances which would considerably enhance prices. My Honourable Friend the Member for Halifax stated, last year, on the authority of the storekeeper general, that at no period since the peace had the stores of the navy been in so efficient a state. I can now repeat, on the same authority, that the vote of this year will place the stores of the navy — taking into account quality as well as quantity — in a more efficient state than at any former period. No. 11. New works, improvements, and repairs in the yards. This head of expenditure is one of great importance to the efficiency of the navy, and is well worthy of the attention of the country at a period of peace. There would have been a decrease of 77,277*l*., if no additional works had been proceeded with this year; but the Board of Admiralty, on full consideration, have determined to propose the new works I shall enumerate, which will cause an increase of expenditure over the vote of last year of 33,132*l*. At Deptford, it is proposed to erect new piers and a wharf wall, and to establish machinery for spinning hemp, causing a saving of 70 per cent. in the manufacture of rope. At Woolwich considerable works have been carried on for some time: two new docks and basins for steamers are in course of construction: the manufactory for steam engines is completed. It is now proposed to erect a large storehouse for machinery, and a railroad from the wharf. It is also proposed to erect machinery for the manufacture of fuel, on the plan of Mr. Grant,—a gentleman of great ability in the public employment, who is also the inventor of the machinery for making biscuit. This fuel is composed of coal dust and coal tar. It is one fifth better than Welsh coal, one half stronger than Newcastle coal, will keep a steamer one third longer at sea, and is a saving of 40 per cent. over coal. At Chatham it is proposed to expend 4000*l*. on the harbour, which it is hoped will produce a future saving of 3000*l*. per annum. At Sheerness a building will be erected for cement, which was formerly procured by contract; but the quality was so bad, it has been found necessary to resume the manufacture of it. At Portsmouth, saw mills and metal mills will be erected. At Plymouth, the piers, sea walls, and entrance to the docks will be improved. At Pembroke, two new slips for the construction of large ships will be provided, roofs erected over others, saw mills will be established, and timber sheds constructed. The victualling yard at Deptford will be improved by the erection of biscuit machinery transferred from Plymouth, which will cause a saving of 3000*l*. per annum. The late hurricane at Bermuda will render necessary the expenditure of 10,000*l*. on repairs and improvements of the dockyard. At Jamaica a careening wharf will be erected at a cost of 4000*l*.: 3700*l*. will be expended on the purchase of a victualling yard there, which is found to be cheaper than the repair of the Magnificent as a depôt for naval stores. I feel that the amount for new works is large; but the Committee will observe that every improvement in machinery effects an economy of labour, and adds to the efficiency of the yards in the event of a sudden armament being required. In the event of war, all our attention would be turned to the defence of the country, leaving little time to effect improvements for which a period of peace is so appropriate. No. 12. Medical stores. There is a small increase of 500*l*. No. 13. Miscellaneous Service. The increase is considerable; it amounts to 53,754*l*. These services, though not strictly naval, are of great interest, as tending to improve and increase our mercantile steam marine, and greatly to increase our strength in large steamers, which would be of great value in time of war. The contracts for which this sum is required are — 1st, Liverpool to Dublin, 9750*l*.; from Liverpool to Halifax, for nine months, from the 1st of June next, 45,000*l*. There are other small contracts for short periods; all that I have enumerated are contracts entered into in the last year. Nos. 14, 15, and 16. Half pay of navy and marines;

civil pensions and allowances; military pensions. There is a reduction of 34,712*l.* on the estimate of last year. On Nos. 17. and 18. (freight on account of army and ordnance; freight for home department) there is an increase of 23,326*l.*, occasioned by the rise in price of provisions and freight. I have now gone through the various heads of expenditure, and have endeavoured to explain to the Committee the grounds for increase on each head. The total net sum to be voted is 5,659,051*l.* Of this sum, 2,287,012*l.* is for services not strictly naval, and includes the half pay. The net sum for effective service amounts to 3,372,039*l.* I have not referred to the estimates of former years, nor gone back to the acts of former Governments, to justify the scale of the present estimates. I consider that the vote of each year should stand on the circumstances of the period at which it is brought forward. The vote of men in 1819 — which was 14,000 less than the number proposed this year — was as large, compared with the circumstances of the two periods, as the present vote. I am unwilling to touch on any matter which could lead the Committee from the consideration of the subject before it. I have always heard that the navy estimates should not be considered as a party question, and I trust I have carefully abstained from any observation likely to cause a difference of opinion. I shall now move that 35,165 men be voted for the year ending 31st March, 1841, including 9000 marines and 2000 boys.

SIR G. CLERK. — Sir, the Honourable Secretary for the Admiralty has stated, in a concise and intelligent manner, the difference between the estimates for the present year and those of the past year. There is certainly nothing in the Honourable Member's statement to which the slightest objection can be made. But I must confess that I regret that, at the present moment, on the main subject of the naval service,— a subject attracting so much attention, — the Honourable Member has not gone more fully into the reasons which are to justify the increase of one thousand men, now demanded. I tell the Honourable Member, candidly, that I do not intend to object to that increase, having felt it my duty to object to the estimates of last year, on the ground of insufficiency. I certainly should feel that I was guilty of inconsistency, if I objected to the increase which appears on these votes. These votes are very large in amount; but I feel persuaded that, if the Admiralty do their duty, and use all diligence in the expenditure of the money we are now called on to vote, there will be no danger of inefficiency in the ships afloat. On the other hand, I consider that they will incur heavy responsibility, if, having these means in their power, they shall not be prepared to resist any attack on our own coasts, or to repel insults to our flag anywhere else. Having read these estimates, which are larger than any which have been voted for the last ten years, I cannot help observing that the amount is much larger than was asked in 1830, the last occasion on which I had the honour to propose the estimates. I will call the recollection of the House to the force kept afloat during that year. The charge then made against the Admiralty was, that they kept a greater force afloat in 1829 and 1830 than had been voted in the estimates. That circumstance arose from the fact that previous to 1831, the time when the Right Honourable the Member for Pembroke became First Lord of the Admiralty, a practice had existed of voting only the number of men permanently kept afloat, but the votes did not include the necessary reliefs. It therefore followed that, when the reliefs were to be sent out, a considerable number was necessary more than the amount of men voted. In that year, an alteration was adopted by the Right Honourable Member for Pembroke. In 1830, it was impossible to recall any ships from the Mediterranean; and although we had 33,000 men, being nearly the number in the present estimate, the sum voted was 35,000*l.* less than that now called for; but while 5,594,000*l.* was all we asked of the House, 5,300,000*l.* was all that was expended;—so much less was our estimate than the present. I wish to know what has been the cause of that excess? If I look to the wages of seamen, I find the sum for this year exceeds, very nearly by a million, that required then. I will admit, however, that Government has been latterly burdened with the expense of the Post Office packets, amounting to 105,000*l.* annually; but, then, the Committee should bear in mind, that in 1830 the Admiralty had the charge of protecting the revenue along the coasts of Kent and Sussex, and had, at the same time, several cruisers in the Channel. I am the more anxious to call the attention of the House to the excess of this year as compared with 1830, because it formed a ground of charge against the Admiralty of that day, that they took the surplus of one branch of the service to make up the deficiency in another. My Right Honourable Friend the Member for Pembroke, being anxious to prevent a recurrence of the complaint, did, during his time of holding office, order that a balance sheet should be laid on the table, which enabled the Committee to come accurately at the facts. I am bound to observe, that although, by this course, surprising accuracy was obtained, it would not have been applicable to times of difficulty.

At the time to which I allude, the affairs of the East assumed such an aspect that a great increase of men was necessary, and the only way we had to make up the deficiency was, to expend a large sum which had been voted for the purchase of stores. At that time the hemp was bad, and was, on that account, allowed to run low; but, with that exception, the stores of every kind were in ample quantity. I find that the cause of complaint at present is the exact reverse of that made against my Right Honourable Friend in 1830, because I find that 100,000*l.* has been taken for the wages of seamen, which has not been expended, and I find the excess in the purchase of stores to be 99,000*l.*, exactly balancing the deficit. I think it forms a very grave charge against the Admiralty, that they have not, during the last year, employed the sum voted; and the more so, because, if any Honourable Gentleman will take the trouble to compare the number of men voted, he will find that our ships must have actually been 2000 men short of their complement. And, although it does appear that, since the discussion in this House, great additions have been made, both in ships and men, the Admiralty are at the present moment, to some extent, liable to the same charge. The Honourable Secretary has stated, in answer to a question put, that our ships in the Mediterranean are on the peace establishment. I consider that, under present circumstances,—considering the large force kept by other nations in the Mediterranean, all of it fully manned,—it is not expedient that our ships should be sent there, without their full complements. Have they got their full complements? Let Honourable Members look to the paper marked letter "A," and they will find that the number required for these ships is 26,524: and it also appears that the whole number of men on board the same ships was, in January, 1840, only 21,524, their proper complement being 24,376. Therefore, on the aggregate of our ships, there is a deficiency of 2148. If I am wrong, I shall be happy to hear an explanation; but I believe that the last ships that quitted this country, sailed considerably short of their complements. I believe that was the case with the Powerful, and the same with the Benbow. Now, it is perfectly clear that if the ships are thus sent to sea short of their complements, without carrying any supernumeraries to supply casualties, there must be, in the fleet, a considerable deficiency of men. I confess that, after the answer given by the Noble Lord the Secretary for Foreign Affairs, to the questions put by my Right Honourable Friend the Member for Tamworth, with respect to the existing state of our negotiations with Turkey, I am very unwilling to say anything on that subject. But, then, it is clear that, if the circumstances of Europe are such as to require that we should have twelve sail of the line in the Mediterranean, nothing can justify us in sending out that force, except they be in such a condition as to exert a moral influence; and if this be the object, I say, that force is not enough, because England ought to have not only as many ships there as any other power, but, above all, it ought to be carefully provided that her ships should have an efficient number of men aboard; for I believe that no naval officer will contradict me when I say that, if a collision were to arise, he would rather engage with five ships well manned, than with eight, or even ten, imperfectly manned. What is the state of things in the Mediterranean? Last year, England had 9 sail of the line there; the French had 8 sail of the line. But in the present year, whilst we have increased our number of ships to 12, the French have increased their force to 15, the smallest of which is an eighty-gun ship. There are 2 of 120 guns, 1 of 100, 2 of 86, and 10 of 80 guns. I believe, also, that there is another ninety-gun ship fitting out for the Mediterranean, at Rochefort. If, therefore, it is our object to enforce the policy of the Noble Lord, we ought to have a larger fleet in the Mediterranean. The Honourable Member for Halifax last year quoted a remark of the Duc de Choiseul, intimating that if the object of France was to weaken and embarrass the English, she could not do it more effectually than by putting them in perpetual fear of attack, so as to force us to keep up a war establishment in time of peace, without actually giving us any occasion for hostilities. Now, whether the policy of France be, now, such as is here described or not, I do not know; but, certainly, the result is precisely that described by the Duc de Choiseul. The French are continually increasing their naval force, without any sufficient apparent cause to justify that increase; and I think that the proper course for our Government to adopt would be, to represent to France the apprehensions which her proceedings create, and to call on her not to go on increasing her naval force when there are no sufficient grounds for it. I am very sorry that the Honourable Secretary to the Admiralty has not made any allusion to two very important practical alterations which were said to have been in progress when last this subject was discussed — that he has not stated whether the new scheme of armament for the fleet, which was then discussed, has been brought into use; and whether the increased complements of men, as recommended by Captain Berkeley, have been adopted.

Mr. M. O'FERRALL. — It was stated, last year, that an increase in the complement had been made.

SIR GEORGE CLERK. — I am glad to hear it; but still I believe that the increased complement was 3½ or 4 per cent. below the full complement.

Mr. M. O'FERRALL. — Only 3 per cent. below the war complement of 1815.

SIR GEORGE CLERK. — Yes, that may be; but the Honourable Secretary of the Admiralty must take into account that since that period our ships have been much enlarged in respect to the size of their scantling, and the weight and size of their yards and masts; and that a complement which might have been fully sufficient in 1815, would be very insufficient for the larger ships with the heavier spars now employed in the Mediterranean. I therefore do not think this statement so favourable as when I first heard it; and I consider it to be the bounden duty of the Admiralty not only to supply the deficiency of the smaller complement, but to put the ships in the Mediterranean on the full establishment. There is also another point to which I wish to refer. Since last year we have seen the extreme difficulty there has been found in making the slightest increase in the complements of our ships. If, indeed, a ship of war comes into one of our ports to be paid off, and another chances to be lying in that port waiting for a complement to sail, there is not, in that case, much difficulty in engaging the crew to transfer their services from one vessel to the other. But if we require an additional 1000 or 2000 men for our navy, and have to draw them from the merchant service, it is well known that that cannot be done without extreme difficulty. It is, therefore, a matter of the utmost importance that we should have more efficient means in reserve for manning our navy, in any case of emergency, than we now have. One of the means on which, in 1830, we were enabled to rely, was the coast blockade, — a force which has since been done away, and a coast guard substituted in its stead. It was stated by the Secretary of the Admiralty, last year, that he was sorry to find that the coast guard had not proved so efficient a reserve as he had expected it to be, and that he had it then in contemplation to appoint a Commission with the view of putting the coast guard in a more effective state. I wish the present Secretary of the Admiralty had said whether or not anything has been done in this respect. I quite agree in the sentiment expressed in conclusion by the Honourable Gentleman opposite, that the state of the navy, and the means of promoting its efficiency, cannot be considered as a party question. There can be but one object common to all parties with respect to the navy, namely, that of removing any difficulty in the way of putting that service in the most efficient condition. I am afraid, also, that very little advantage is to be obtained, in a case of emergency, from the men in ordinary; for I find that the greatest number which could be obtained from that source last year was 500; a number by no means sufficient for the public service.

I must now take the liberty of adverting to what I pressed upon the attention of the Committee last year, — the distribution of the naval force employed, and the means possessed by us of resisting sudden aggression, or protecting our commerce, in any case of emergency. There are twenty-one ships of the line now in commission, and, of these, twelve are in the Mediterranean. There are three first-rate guard-ships in our harbours at home; but these guard-ships have only one third of their proper complements, and the crews of the whole three would man only one ship properly. Three of the remaining six ships are destined for service on the coast of China, and three are in the Tagus. The Government has not, therefore, a single ship of the line at its disposal; and if any circumstance should arise in the East or West Indies, or on the coasts of North or South America, to render it necessary to have a naval force to protect our commerce, the Government would not be found to have within reach even one line-of-battle ship for that purpose. Now, why — I should like to ask the Noble Lord the Secretary for Foreign Affairs — has he kept, for the last three years and upwards, three line-of-battle ships in the

Tagus? I shall probably be told that to keep them as guard-ships at home tends to promote bad discipline; but where is the difference between the discipline of ships lying at anchor in our harbours at home, and lying, as the flag-ship has done for three years — for 1200 and odd days — in the Tagus, without even lifting her anchor? Where is the advantage of the flag-ship of Admiral Gage or Admiral Ommanney lying for so long a time as that in the Tagus without lifting her anchor? The House has this night heard from the Noble Lord a confession of his total want of influence at the Portuguese Court, which, for the last five years, he has warmly been soliciting to do justice to those British subjects who have the most undeniable claims upon it; and I cannot help thinking, that when the Noble Lord found his remonstrances not acceded to, if he had intimated a determination to recall those three line-of-battle ships from the Tagus, he would have found his representations more respectfully and more promptly met. Is it to be said that it is necessary to the security of the government of Donna Maria, that we are to maintain three line-of-battle ships in the Tagus, at an annual expense of 100,000*l.*? That, surely, cannot be admitted as a valid argument, unless the Noble Lord is prepared to show that the Portuguese Government is exposed to difficulties and embarrassments in consequence of its attachment to British interests. But, by the Noble Lord's own confession, he is, at Lisbon, — and the same may be said of him at every capital in Europe, — utterly without influence. One of these three ships the Government has lately been obliged to withdraw, namely, the Blenheim, because there were none at home that could be employed in a service where they were much wanted. And let the Committee here observe the inconvenience of such a disposition of our vessels. It was at the end of July, last year, that the first intelligence reached this country of the unfortunate rupture at Canton. If a sufficient naval force had been kept in reserve at home, it would not have been necessary to wait till the Blenheim had been recalled to join the two frigates which have, only within the last few days, sailed for that destination, — although the first intelligence of this disastrous state of affairs, there, arrived so many months since. I do not know whether there is or not any sufficient force in the East Indies; but, whatever force there is there would not, I suppose, sail for China until joined by the Blenheim and the two frigates. As to the ships in the Mediterranean, it is certainly necessary that there should be a sufficient force there, and one corresponding at least to that of the other powers which have fleets in that sea; but I maintain that it is most essential that the coasts of this country should under no circumstances be left without adequate protection. Many persons, last year, pretended to sneer at the Russian fleet in the Baltic; but I believe the Admiralty has, since that time, received very important intelligence upon this subject, and is now by no means inclined to treat the squadron in the Baltic as a "pasteboard fleet."

I wish that the Honourable Gentleman the Secretary to the Admiralty had given us some information as to the ships in ordinary in the ports of this kingdom. That Honourable Gentleman has said, that, owing to the great expense which has been incurred in building steam vessels and the repairs of the Post Office packets, the Admiralty has been unable, with the number of men at present in the dockyards, to build large ships; and I am glad to learn from the Honourable Gentleman that the Admiralty intends, now, to recommence the building of large line-of-battle ships, and that it is also intended to lay down two new first class line-of-battle ships in Pembroke dockyard; but, in reference to the ships in ordinary, many of them have now been fifteen or twenty years in ordinary, and are, I fear, in a very bad state of repair. When, therefore, I am told that we possess twenty or thirty sail of the line in addition to those now at sea, I very much fear, from the time that has elapsed since these vessels were in active service, that a very considerable delay would arise before any large squadron could be fitted out and put in an efficient state; and I regret that there has not been made, of late, that accurate personal examination into the state of our ships, which, some years since, it was the annual practice to hold. I am glad to find, however, that the Admiralty is about to add to the number of ships in our harbours; and, with the great increase in the number of naval artificers which they now propose to make, it will be their bounden duty to take care that every ship in ordinary shall be put in a state to proceed to sea at a short notice. When the Duke of Wellington was in office, it was thought that 6000 artificers in the navy yards were insufficient to keep the ordinary in a proper state. Last year, when the Honourable Secretary for the Admiralty brought forward his estimates, he made a considerable addition to this branch, his total being 7591; and now the Honourable Gentleman opposite has provided for a still larger addition of 800 men, making the total number of artificers 8391, — a number which really comes so near the greatest number employed in time of war that the Admiralty will be guilty of the grossest neglect of duty if it do not, in a short time, remove from the minds of the people of this country that alarm and suspicion which generally prevail, that the ships of our navy in ordinary are in a very weak and ineffective state; — and if they do not provide a proper succession of new ships. I agree with the Honourable Member, that it is impossible, from former estimates alone, to decide what is necessary and what not, without taking into account the circumstances under which the country is now placed: but it is as impossible to avoid seeing that not France alone, but other maritime states, are not only increasing their navies, but are building ships of larger dimensions than those, even, formerly employed by this country. If, therefore, Britain is to maintain that naval pre-eminence which has so long been her boast, and which is so essential to her position among the nations, it becomes imperatively necessary that we should build ships of a class and size sufficiently capable of meeting those with which, in the event of a war, we are likely to come into collision; and I am sincerely glad to hear of the determination which has been, to-night, announced on the part of the Admiralty, to build two ships of the largest class at Pembroke. I am unwilling to go into further details as to the other statements of the Honourable Gentleman, on which there will be an opportunity of remarking in future votes. The particular vote now before the House for the number of men is the most important of all the estimates, and I believe that the country is in a situation to render a great increase in our naval force necessary. The Noble Lord has told the House that we are in a state of profound peace: but that is a singular state of peace which calls upon us to increase our force to this extent; and the manner in which other countries have enlarged their armaments seems to indicate, as I have said, that they are endeavouring to embarrass us by carrying the Duc de Choiseul's recommendation into effect. The navy of this country is so important a service, that it must be kept up to an adequate amount, whatever exertion it may require to do so; and reposing this kind of confidence in the Government, that they have means of information which are not within reach of other Members of the House, and consequently ought to know the number of men that is required for our naval service, I shall not oppose the vote now proposed of 35,000 men for the service of the ensuing year.

Mr. M. O'FERRALL. — With respect to the increase of 3 per cent. of which I have spoken, that was not with reference to complement alone, but to armament. Thinking that the subject might be discussed, I had made a minute of the increase in some of the new class of ships to which the Honourable Baronet has alluded, and which will better illustrate my meaning. The Pique is one of those ships to which the Honourable Baronet has alluded as having larger masts and heavier spars and yards than formerly. Her former complement was 275 men, which has now been increased to 305, being an increase on the complement alone of 11 per cent., instead of 3 per cent. In the Revenge, the former complement was 570, the present 590, or an increase of 3½ per cent. In the Blonde there has been an increase from 275 to 280, or 2 per cent. In the Andromache, from 175 to 185, or 6 per cent.; the increase of complement being in all cases in reference to the armament. As to the coast guard, a Committee was appointed last year, which sat for some time, but it has not yet made its report. With respect to the flag-ships, the Honourable Baronet has stated that the guard-ships are not sufficiently manned; but in the statement he made he was not quite correct, inasmuch as though the complement of the guard-ships is below that which would be required to go to sea with, yet there is quite a sufficient number of men in ordinary to make up the complement of the guard-ships to the full war amount — and this I have fully ascertained — upon any emergency. With regard to the question touching the China ships, I believe I could give a satisfactory reply; but as that question will come on at another time, I think I had better postpone any reply on that point. As to the state of the ships in ordinary, the Honourable Gentleman is wrong in his apprehensions that they have been neglected. Certainly, when the state of the yards is not so good as could have been wished, the same attention cannot be paid to their repairs as when they are in a more efficient state; but there has been constantly an annual survey, and a minute report made of the state of every ship; and I can inform the House that the condition of the ships in ordinary is very satisfactory, and such as to enable the Admiralty, if required, to send to sea, within two months, a fleet much larger than any other country could send to sea, and, indeed, almost as large as any two other nations could send out. With reference to the alleged neglect in building large ships, I can state that, although so much attention may not have been paid to that point as was desirable, yet that it has not been altogether neglected. Since last year there has been worked up of the ships on the stocks timber equivalent to the completion of three. I am not aware that there is any other point I have not answered.

SIR G. CLERK. — Will the Honourable Gentleman give us any information as to the shortness of the complements in the Mediterranean?

Mr. M. O'FERRALL. — From the last report from the Mediterranean it does not appear to be the case that the complements are short. The fleet was, at the time of that report, only forty-five short, and that deficiency has been since made good.

Mr. HUME. — I can understand no reason, Sir, for so great an increase in the number of our ships and men, merely because France and Russia have increased their navies. If that, Sir, is to be taken as a reason for increasing our naval force, the country must bear the expenses of war under the guise of peace, and we shall have the appearance of being at war at the very time that Her Majesty is assuring us, in the Speech from the throne, that our relations with foreign powers are in a satisfactory position. I complain that the Noble Lord (Lord Palmerston), whilst stating that the utmost concord exists between the great powers on the Eastern question, has, in fact, by his policy, produced the greatest discord, and that it was owing to the policy of our ambassador at Constantinople that the unfortunate expedition was fitted out which ended in the defeat at Nezib, and that this country is put to the enormous expense of keeping up an extensive fleet in the Mediterranean. I verily believe that this question of war between the Porte and the Pacha of Egypt would, ere this, have been settled to the satisfaction of both parties, if it had not been for the interference of the Noble Lord. There can be no doubt, from the appearance of things, that we are falling into the views of Russia, the greatest enemy of Turkey, and of whose desire, from her past encroachments, to seize Constantinople, there are the strongest possible indications. There are forty ships of war of different countries in the Mediterranean, and the Secretary to the Admiralty now asks us to increase the number of ships which we have already in that sea. Doubtless, if our naval force is to go on increasing in this manner, we must vote more men and more stores; but I object to this increase of our fleets, and wish the Noble Lord had informed the House why it is that the differences have been kept up between the Porte and Mehemet Ali; and why it is that the Noble Lord has obstructed peace between those powers, by the interposition of his interference? Each party has been compelled to maintain an army of at least 100,000 men; and the resources of Turkey have thus been wasted, leaving her an easy prey to Russia. It now appears, too, that England and France are decidedly opposed to each other on this question; and I believe that the battle which ended so fatally for the Sultan last year, would never have taken place if we had not interposed in the quarrel. The Sultan was at that time quite ready to accede to the views of Mehemet Ali, and to give him the hereditary possession of Egypt, and the governorship of the other provinces; but the Noble Lord the Secretary for Foreign Affairs interfered, and caused that state of affairs in the Mediterranean by which the expenditure of this country is now so materially increased. The Sultan was willing to do this in order to unite the whole races of the Mussulman faith together; but what has been the course adopted by the Noble Lord? It has been, to forbid the settlement of the question. Mehemet Ali had agreed to terms, and had consented to pay a tribute amounting to about 200,000*l.* a-year to the Porte for the advantages to be conceded to him; but the Noble Lord must needs step in and prevent this arrangement. Mehemet Ali himself complained of this interference, and of this country interposing on the 28th of July last, to prevent the execution of a treaty which had been agreed upon between himself and the Porte only two days previously. And what has been the result of this ill-advised intervention? Why, that seven months have now passed over, and yet matters are as much at issue as ever. It has been stated, that the British minister at Constantinople had insisted on our fleet being sent to Alexandria, for the purpose of intercepting and destroying, in conjunction with that of Mehemet Ali, the Turkish fleet; and I only mention this, that the Noble Lord may have an opportunity of contradicting the rumour, as such a circumstance — if a fact—would necessarily be, of all others, the best thing that could possibly happen for Russia. I complain, that in consequence of the bad and mischievous course of policy this country is pursuing in regard to the East, there is now all this augmentation required in our naval establishment, and a consequent increase of the burdens of the country. The Government is playing into the hands of the natural enemy of Turkey, and giving Russia every possible advantage over that power; and I believe that the existing difference between France and England on the Eastern question is to be attributed to this imprudent course. The French people believe that Russian councils find more favour in the eyes of our Government than the councils of that country. But France and this country are influenced by the same desire as to the nature of their institutions; and are, at this moment, most anxious as to that natural interchange of the manufactures of each which their neighbouring position seems ever to warrant; and the present estrangement is most deeply to be deplored, but it is attributable, as I have already expressed my firm belief, to the prevalence of Russian councils with the Government of this country. It is absurd to suppose, for a moment, that France has any design upon Egypt, or that, at all events, she would at this time risk a rupture with England for any such object. I say, then, that policy more mischievous than that which has kept up and is still keeping up this state of things, there could not possibly be, acting as we are in such a manner as to favour the designs and wishes of that power which longs to see Turkey prostrate at her feet. Mehemet Ali, after placing Arabia in a state of subjection, offered to restore it to the Porte; and he wishes to retain no more territory than may be necessary to insure the maintenance of peace. And does the Noble Lord not think that it will be a great loss and disadvantage to British interests if one of the results of his mistaken policy shall be to convert Mehemet Ali into an open enemy? Why should he be compelled to give up so large a portion of Syria to the Porte — a country which has, as history shows, never been really under the control of Turkey? and why should we persevere in keeping up a state of warfare which divides Mussulman from Mussulman, and can but be productive of most mischievous consequences? I protest, then, against this addition to our naval force, although I will not, on the present occasion, draw any comparisons as to what may have been done with respect to the naval affairs of the country by one side of the House or the other. I will not move any reduction on the vote proposed, much as I object to it; but I will say, that, so long as this description of policy is carried on, we can never maintain peace in Europe, or be prepared for war, ourselves. If England has the welfare of Turkey at heart, she should make it her first object to remove the deadweight which now presses on the resources of that country — I mean the heavy military force which she is obliged to keep up at this moment. That object would be attained by settling the terms of peace between that power and Mehemet Ali, and not by fomenting war, as we now are. Besides this, the maintenance of our own force in the Levant, required by this unsettled state of things, there, has cost an additional outlay of half a million of money. It has been stated, too, that our consul in Cairo has been denied access to the Pacha in consequence of the conduct of our Government. But does the Noble Lord reflect upon the injurious effect which the enmity of Mehemet Ali would have upon the interests of this country, now that he has it in his power to stop our overland communication with India, and whilst we are at war in India? I repeat, Sir, that I cannot conceive any motive for continuing the state of warfare at present existing in the East, unless it be to benefit the natural enemy of the Porte — Russia. I therefore protest against this vote; but as it has received so much encouragement on the other side of the House, it is useless for me to attempt to propose to amend it.

LORD VISCOUNT INGESTRE. — The Honourable Gentleman who has just sat down has, it appears to me, been discussing foreign affairs all through his speech, rather than the subject before the House, — the affairs of the navy of England. I shall not, however, follow the example of the Honourable Gentleman, in that, any more than in any other respect; but, in the few words I have to say, shall confine myself to subjects of a strictly professional character. The Honourable Secretary of the Admiralty has, in my opinion, wisely, and with much good taste, abstained from all allusion to party in the statements he has made; and I, Sir, shall endeavour to do the same in what I have to offer to the attention of the House. In matters relating to the service of the country, party considerations should never be suffered to intervene, and the good of that service, "only," should never be lost sight of. However much, in the present state of the finances of the country, I may regret any increase of our expenditure, I cannot but rejoice that the Government have come down to the House to ask for an increase of men in the navy, as well as for a grant to augment its resources, on the ground of the present political position of this country with regard to other nations. I will not now enter into the question of the grievances and wants of officers and men in the navy, as I trust that those subjects will be fully considered in the Report of the Naval and Military Commission shortly expected to be laid before the House; but I must observe, that the present proceedings of the Government afford ample confirmation of the necessity for an increase in the naval force of the country, and which was so strongly desired by them in the last session of Parliament. When the navy estimates were brought forward last year, an argument was thrown in the teeth of Members on this side of the House, that they had endeavoured to show the weakness and inefficiency of the navy as contrasted with the navies of other countries. I am free to confess that it is a disagreeable thing for this maritime country to have its weaknesses exposed; but I think it much more essential that we should know our weakness, than go on in fancied security, and expose ourselves to danger when it is least expected. I am led to make these statements from a comparison of the *Navy List* of England with those of France and Russia. The House will hardly credit the extent to which the French navy has lately been increased. I will, however, with the permission of the House, read a statement of the extent of the French navy, as published in their official *Navy List* in the month of January of this year, and compare it with that of our own navy, as seen in our *Navy List*. The French have now in commission 2 ships of 120 guns each, 1 of 106 guns, 3 of 90 guns, 4 of 86 guns, 4 of 80 guns: these are ships of the line. Besides these, she has 1 frigate of 60 guns, 1 of 58 guns, 5 of 52 guns, and 5 of 50 guns, two of the latter being armed *en flute* to carry troops. Now, what is the condition of the British navy? We have 22 line-of-battle ships in commission; out of these there are 3 three-deckers. We have 2 ships of 120 guns, and 1 of 104 guns. These ships are manned at one-third of their complement of hands, and lying in port; and I am informed that such is the shortness of the manning in the Britannia in particular, that they are actually obliged to put petty officers and marines to the oar whenever the Admiral goes on shore. A great deal has been said with respect to the increase of men in our navy; and they have recently been very much increased in number; but that shows the propriety of discussing these matters both in and out of the House. The Government, which has always said that the ships were perfectly well manned before, has given a practical denial of its own statements by adding to the complement of hands on board them. Now, to make a comparison of the state of the ships of the two services, the Committee must bear in mind that the French have a very large proportion of frigates as compared with us. We have altogether, of all sorts, only eight or nine frigates in commission. Out of these, we have only 2 of 50 guns, and those are of a moderate scantling in comparison with recently constructed vessels of the same class. But how is the French navy in respect to crews?

A ship of	120	guns has	1087	men.
—	100	—	915	
—	90 86	—	840	each.
—	80	—	700	

and so on downwards. Then again, in the case of Russia, there are now, in the Baltic alone, belonging to that power, 28 sail of the line, while in the Black Sea she has as many as 14, and all very large and efficient ships, as I can state as an eye witness, with a great number of heavy frigates in both seas. Now, what I contend for is, that it is the duty of this country so to conduct our negotiations, that, if possible, we may prevent the necessity of having large armaments afloat; or else, that we should have our armaments fit to enter into collision with those of any other country in case any emergency should arise. I am also of opinion that we are much more likely to preserve peace by showing the world at large that we are ready to meet an enemy whenever we may be called on. I do not say this with the view of provoking any hostile feeling to any country whatever; but when we see other countries increasing their fleets, we are perfectly warranted in putting our naval armament in the best possible condition. I must also observe, before I leave this point, that the French have 1 ship of 120 guns, 3 of 80 guns, and 1 of 46 guns, all ready for sea; and they are building 4 of 120 guns, 12 of 100 guns, 9 of 90 guns, and 2 of 80 guns; whilst we in England have on the stocks 2 ships of 120 guns, 3 of 110 guns, 1 of 90 guns, and 6 of 80 guns. In this calculation I have omitted taking anything below frigates, because I take it for granted that the case is pretty much the same with regard to them in both countries; at all events I find no great difference in that particular. With respect to steam boats, about which my Honourable Friend the Member for Halifax (Mr. C. Wood) has taken great credit for saying that we were building our steamers in a very effective manner — the French have, at this moment, 25 steamers afloat and in commission; and we have only, besides packets running between Dublin and Liverpool, Holyhead and Dublin, and this country and Calais, 10 or 12 steamers, and only six of these are heavily armed vessels. I find, too, that the French have in employment for their service afloat 23,173 men, and on shore 10,844 men, making a total of 34,017 men. We have 24,165 seamen, 2000 boys, and 5,550 marines afloat, making a total of 31,715; we have also 3500 marines to be employed on shore, making a grand total of 35,215; being an increase over the French navy of only 1,198 men. When I make a comparison between the number of men employed by England and France, I am bound to take into consideration the difference between this country and France. We are essentially a maritime nation; — we have immense colonies to watch over, and a trade carrying on with every part of the world. France has never yet assumed the character of a great maritime nation; and therefore I think we have a right to make observations when we see her navy equalling, in ships of a large scale, though not number, the ships of this country; and almost equal — I may say equal — to us in the number of men employed. Under these circumstances, I think the country has a right to complain, when it sees the Government stand still, while the Governments of other countries are making such rapid strides in naval improvements. The very great encouragement given by France to her navy is most worthy of the attention of this House. The King himself has made personal exertions in its behalf, and put one of his sons, the Prince de Joinville, in command of a frigate. In Russia, also, the Emperor every year makes an inspection of the fleet, and goes on board every ship himself. I would also remark, that there is a greater facility of manning the ships of those countries than we possess. I understand that it took four months to prepare the Powerful and the Impregnable for sea; and that those ships, together with the Pique and the Blonde, have put to sea, at last, short of their proper complement of men. The Grecian, I also believe, is in the same predicament. Our sailors are flocking to the American service, because there they are better paid; and it is a fact that we always find the American ships half manned with English seamen. This has been stated—and my own observation convinces me of its correctness — in a recent work published by Captain Marryat. This, it must be confessed, is a state of things that requires to be speedily amended.

It has been said by the Secretary of the Admiralty, that the ordinary seamen at Portsmouth assist to man the ships in case of any emergency. I find, however, that the total number of men entered on the books at Portsmouth is 583; the total establishment should be 879. I find that about 200 of these are warrant officers; leaving only 383 men to man any ship for sea. Will the Gallant Admiral opposite (Sir C. Adam) tell me that 383 men are enough to man a ship for sea? I do not therefore think that the ordinary can be very much relied on as a resource for manning our fleet. A scheme should be devised of a fresh scale of pay to encourage our seamen to remain in our service, and ships should be provided for boys to enter the service, who should be entitled to increased pay, and have pensions after a certain time, in order to keep them attached to the service. I also think it essential, in a country where, I am glad to say, there has always been a great feeling for the navy, that we should now and then see a fleet at our ports to keep that feeling alive: on the contrary, however, our harbours are, in these days, altogether deserted by our ships. I hope that the case of the men and midshipmen has been considered in the Commission now sitting; for we see mates leaving the service every day; — men who, after a hard service of six or seven years, have passed their examination, and who are then doomed to serve seven, eight, nine, ten, or eleven years more, and, after all, to get no rank, and very small pay. We cannot wonder at officers leaving the service; neither can we wonder if we find very great difficulty in getting boys to enter it, when they see what they are likely to have to undergo. I understand that the Revenge had such difficulty in getting midshipmen the other day, that she sailed at last with only ten on board. There are but 387 mates in the whole service, 488 midshipmen, and 430 volunteers. I find, too, that the midshipmen are getting gradually disgusted with the service. When our foreign relations are in a state that require us to arm at all, I think that we should arm in a way to show that we are determined not to suffer any aggression on the part of foreign powers. I put it to the House to recollect whether in the last two or three years we have not witnessed a few circumstances to make it quite necessary for us to have a proper armament. The insult to the Express packet, I think, has been very lamely got out of; and the affair at the Mauritius has never been thoroughly sifted in this House. There are no vessels of war to protect our ships at Buenos Ayres pending the blockade, and there is certainly a great want of vessels of war to protect our shipping pending the blockade of Mexico. I think, also, that the French having made an asylum port of Port Mahon is a circumstance likely to be very injurious to our interests in that quarter. My opinion is, that it would be very satisfactory to the country if a Channel fleet were to be manned and kept at sea, in that state of discipline so necessary to the service, if it were only for the purpose of giving the officers the opportunity of gaining experience in sailing ships of the line. I am very glad to hear that we are likely to go on building large ships; and I must say that that department of the navy has been for some time very much neglected. My Right Honourable Friend the Member for Pembroke established a rule, which has been departed from, of building three large ships every year; and the sooner that plan is resumed, the better. I cannot sit down without saying a word as to the patronage of the navy, however much I regret to introduce a subject which may have the colour of party; but I think I am justified in doing so when I see the party colour given to the appointments which have recently been made. The recent appointment to the governorship of Greenwich Hospital has been a source of disgust to the navy in general; and I will say no more than this, that in the official list of the navy I see fifteen officers wearing the Grand Cross of the Bath, of rank and standing above the gallant officer who received that appointment. I do not want to say anything against that officer; but it is an appointment which reflects anything but credit on the Admiralty. In a debate which has taken place elsewhere, the Noble Lord at the head of the Administration has said that he did not consider it necessary to distribute honours exclusively among those who had distinguished themselves in action; and the other evening the Gallant Admiral (Sir C. Adam) indignantly said that Sir J. Gordon had come to him with tears in his eyes, and expressed his regret at his removal from Chatham dockyard. Had that distinguished officer been nominated to the appointment in Greenwich Hospital,—he being, as the Gallant Admiral has stated, in distressed circumstances,—the country would have been, I venture to say, perfectly satisfied. I am convinced that the House of Commons will never refuse supplies to the extent necessary for the maintenance of our national honour, though not to the extent of wasteful extravagance. With our shores unprotected, — and I defy Honourable Gentlemen opposite to say that they are protected, — it is the duty of the Government to ask Parliament for a supply adequate to the keeping up of a respectable fleet on our shores. I will not detain the Committee longer. I have ventured to make these few observations with a sincere desire to benefit the service to which I have the honour to belong, and which I feel confident will always uphold the credit and glory of the country.

SIR CHARLES ADAM. — Sir, it is my intention to follow the excellent example set by the Honourable Gentleman the Secretary to the Admiralty in opening the estimates, by abstaining from touching on matters not directly connected with the subject under consideration. With all that has fallen from the Honourable Member for Kilkenny, and from the Noble and Gallant Lord opposite, relative to the diplomatic relations of the country, I have nothing whatever to do; and after the remarks which have fallen from my Honourable Friend near me, I shall detain the Committee but a very few minutes. I have no intention of going into the subject of the appointment to the governorship of Greenwich Hospital; nor should I have alluded to it, had not the Noble Lord brought forward the case of Sir James Gordon, and intimated that I was under feelings of awful indignation on a former occasion when the circumstance was mentioned. I certainly regret the occurrence, inasmuch as it prevented me from making use of those arguments which I should have adduced in a cooler moment. With respect to the treatment of Sir James Gordon, there really was nothing to complain of. He had been appointed a captain in ordinary, and of course his appointment lapsed when he was appointed a flag officer. There was no dismissal in the case. The precedent in the case of Sir Samuel Warren was followed; who, on being made a flag officer, was removed from his command at Woolwich. The Noble Lord has made some observations tending to show that the state of the French navy is very superior to that of our own. All I can say is, that our force in the Mediterranean is considerably larger than that of France. Some of our ships certainly are smaller, but our numerical force places us on more than an equality. There are 14 sail of the line employed about the Mediterranean belonging to France; but our force is, as I have said, superior; besides which, we have another vessel ready in Lisbon in case of any emergency. I admit, on the testimony of officers who have recently returned from that station, that the French have gained a considerable degree of expertness, and are more efficient than formerly; but our ships are much superior, and as efficient as they were in the year 1793; and in support of this assertion I can adduce the testimony of Sir Robert Stopford and Sir Frederick Maitland, who observed that the idea of the superiority of the French marine is quite unfounded. I am convinced that unless the French have changed very much since I was in the Mediterranean, they are not near so expert in nautical manœuvres as the English; and it is a subject of general remark, that they, as well as the Russians and Americans, always avoid an opportunity of entering into comparison with English vessels. Now, with respect to the state of the Russian navy, to which the Noble Lord has alluded, no one can deny that the Russian fleet is in a wonderfully efficient condition, considering the little practice it has had. If it did not exercise its men, who are soldiers and sailors indiscriminately, in the Baltic, it would have no opportunity of learning to manœuvre at all, for it has no colonial trade to employ it at a distance. Surely that is a very different state of things to the state of the navy of this maritime country, where we have 200,000 registered seamen, and where our merchant vessels are the nursery for the navy; and it is quite impossible, without negotiations or explanations that we could be so suddenly plunged into a war as to be unable to obtain the full complement of men in sufficient time for any hostilities that we might have to encounter. With respect to the number of men in the estimates, that number has been adopted after full consideration and discussion with Sir Thomas Maitland and other officers, as to the number necessary to work the guns of ships in commission. It is true that some admirals may prefer five ships fully manned to six with less than their proper complement; but that is a matter of arrangement, and can be adjusted, in the nearest port, by the admiral, at his pleasure. As to the want of men in the event of a war, I conceive that the Noble Lord's fears are groundless, for there are always plenty of sailors in our ports, and fishermen on our coasts, available for such an emergency, independent of the crews that would be unemployed at such a hazardous time by the mercantile interest; whereas, at present, the merchants, having the advantages of peace, their marine has increased very much; and considerable difficulties are thrown in the way of Government, by their giving higher wages and keeping the mass of seafaring men profitably occupied. It is the same in the East Indies, in the West Indies, and generally throughout our colonies. The Noble Lord has spoken of the inadequacy of our force for the protection of our shores. But during the last year there were not less than 8 line-of-battle ships lying in our ports; and with regard to the ships in ordinary, they could have been equipped and sent to sea in the course of a very short time. The Noble Lord has not only asserted the superiority of the French navy, generally, to ours, but he has stated that their frigates can only be opposed by our small ships of the line, which are infinitely inferior, especially in point of sailing. Now, although the English ships are inferior in point of size, I maintain that they are more handy, more active, and more effective in engagement with the enemy than the French ships. I can speak on that point from my own experience. It may be a question, if we were building all new ships, whether our frigates should not be of the same size as those of other powers; but whilst we continue to possess a vast number of small line-of-battle ships, I am convinced that it is infinitely more advantageous to make use of them in that shape, than to cut them down for the purpose of converting them into large frigates. Most of these small line-of-battle ships sail as fast as frigates, and are quite as useful for the purposes required of them. The Honourable Baronet (Sir G. Clerk) has stated that the ships in the Mediterranean are short of the complements of men assigned to them. Upon that point the Honourable Baronet is completely mistaken, for, according to the last returns, there appear to be from twenty-five to thirty supernumeraries. I have now said all that I think necessary in reply to the observations which have been made, and will not trespass longer on the time of the House.

CAPTAIN A'COURT. — I had hoped that the Gallant Admiral would have given some sort of answer to what has been stated by the Noble Lord (Lord Ingestre), respecting what I must call one of the most flagrant abuses of patronage that has ever been committed; — I mean the appointment of Admiral Fleming to the governorship of Greenwich Hospital. What, I ask, have been the naval services of the gallant officer to entitle him to that appointment? I distinctly reply, none. It is painful to me to make these personal observations; but in this case they are forced upon me, and I will not shrink from avowing my real sentiments upon the subject. If the situation of Governor of Greenwich Hospital be, as it has hitherto been considered, an honourable retreat for the most distinguished of our wounded flag officers, then I must say that Admiral Fleming has no earthly claim to it. However long and faithfully he may have served, he certainly never partook of any of the gallant actions of the last war, and is therefore clearly ineligible, while so many distinguished officers, who fought, and bravely fought, in those actions, stand senior to him on the navy list. I will venture to say that no act of the Government, since its accession to office, has given such dissatisfaction to the navy as this appointment. And how can it be otherwise, when they see an appointment which ought only to be gained by the most gallant services bestowed upon an officer, who, however excellent may be his private character, has never had the good fortune to distinguish himself in an engagement with the enemy? If distinguished gallantry in a naval officer is to be no recommendation, or merely a secondary one, and if the governorship of Greenwich Hospital is only to be made the reward of political services, the sooner the Noble Lord abolishes the useless sinecure the better, for the emoluments of the office would go far towards supporting 100 gallant veterans, and would be much more worthily employed than in swelling the patronage of the minister of the day. And, now, with respect to the navy: its inefficient state has been so ably pointed out already, that I feel it almost unnecessary to say a word in addition to the statements of my Noble Friend and the Honourable Baronet near me, which clearly showed that our shores are totally unprotected, and that our ships are too few in number and too small in size. I would ask any Gentleman conversant with naval affairs, how our 72-gun ships with 500 or 600 men can compete with foreign ships of 80 or 90 guns and 700 or 800 men? It would be unjustifiable and cruel to place British seamen in such a position; for, however gallant and zealous they may be, they would not have the physical force to uphold the honour and the glory of the country. I had hoped that the occurrences which took place during the American war would have opened the eyes of the Government to the impolicy and the injustice of exposing small vessels to those of greater force and power; but experience and remonstrance are equally disregarded. As to what has been said of fitting out twenty sail of the line with the greatest expedition, it is my firm conviction that they could not be fitted out in less than twelve months; and what, during all that time, would become of our colonies and of our commerce? It is true that we cannot have a larger fleet without a greater outlay; but how much better would money be employed for that purpose than in the useless expedition we have had serving on the coast of Spain. I call it useless, for we have obtained nothing by it. The French alone are the gainers, for they have obtained a footing in Minorca. Add to this the expenditure caused by the never-ending Commissions in this country, and you would have a sum amply sufficient to keep the navy in a state fit for any emergency. Looking at the present agitated state of the world, I think it very probable that a war may suddenly break out; and if such should be the case, I earnestly pray that the assurances of the Admiralty, that we have ample means both for offensive and defensive operations may be realised.

SIR T. COCHRANE. — Sir, I am very unwilling to intrude on the patience of the House; but, considering that the best interests of my country are at stake, I cannot avoid making a few remarks. It appears to me that the question of our naval establishment divides itself into two parts. The first of these is as to its comparative strength, when contrasted with the naval armaments of other nations; and the other, whether it is sufficient to promote the extension of our commerce, and to afford it protection when extended. With respect to the first point, — namely, the comparison of foreign naval armaments with ours, — I will, in the first place, refer to our own naval establishment. It has been said that the number of effective seamen, marines, and boys amounts to 35,565, and that 1000 have been added this year, to increase the force of our vessels in commission. Both these statements I venture to deny. We have not that number of men and boys, and even the trifling addition of 1000 has not been made. It will be in the recollection of the House that the packet service has, of late years, been handed over to the superintendence of the Admiralty, and this service is as distinct from the navy as is the military service. Indeed, it is even more distinct. The packet service cannot become available to our naval force, whilst the aid of the troops has been frequently resorted to. The packet service, then, ought not to be even mentioned as a part of our effective naval force. Then there is a considerable number of men engaged in the surveying department, who should also be deducted. The number of men employed in these two services, last year, was 2788, and, in the present year, 3093; so that one third of the 1000 men added this year have been diverted from the particular purpose stated, and transferred to the packet or survey service; consequently, the number of seamen will be, thus, reduced from 24,165 to 21,072. We therefore have, for efficient service, 2,1072 seamen, 9000 marines, and 2000 boys; and, taking two boys for one man, the whole number is 31,072, instead of 35,565. But there is another reduction which has also weakened our effective force very considerably, — namely, the number of small craft which we have employed on the coast of Africa and in the West Indies, for the purpose of suppressing the slave trade. The propriety of this employment of our navy is not to be questioned; on the contrary, it redounds highly to the honour and reputation of this country, that our vessels and men are so employed; but, at the same time, it is obvious that they cannot be called into operation should any sudden emergency render their assistance necessary. They are neither more nor less than an oceanic police. There are only 22 sail of the line in commission; and from these I feel that I have a perfect right to deduct 3, which compose part of the squadron sent to destroy the unfortunate Chinese, whom you have not yet poisoned with your opium; and had it not been for the accidental circumstance of the Government ordering these vessels to be armed, you would not have had ships to send even upon that service. When the Right Honourable Baronet the Member for Pembroke presided over our naval affairs, with so much credit to himself, and so much advantage to the country, and for which he has been so justly lauded, he established a description of vessels, called demonstration ships, which were rigged, stowed, armed, and put in a perfect state of preparation. Now, what has become of these demonstration ships? We have been told by the Secretary to the Admiralty that, practically, they were found to be of no use in the short-handed state in which they were kept, and that it was far preferable to put the rigging in store, and lay the ships up. But the great point is, not so much the number of ships, as the number of men. I recollect that, in the year 1815, when Buonaparte returned from Elba, the Royal Sovereign was only ten days from hoisting her pendant to being towed into Plymouth Sound. But it is quite impossible that such expedition could be used at the present time. Now, let us look to the naval condition of other countries. See how that of France has increased: her naval force, at present, amounts to from 31,000 to 32,000 men. The French estimate for 1840 was 20,498; but there have been added, since the budget was published, —

	Men.
9 sail of the line . . .	7821
8 corvettes, less 3 corvettes avisos	1270
3 brigs, 226; 7 brigs avisos, 644 .	870
4 brigs, canonniers . . .	208
18 brigs, and 3 small vessels . .	1098
5 steamers	360
	11,627
Add amount of estimate .	20,498
Total . .	32,125

The complements are not official, but they are calculated at the same rate as those given in the budget; so that, in round numbers, the two fleets are nearly equal as to the seamen employed. Now, what is the state of the Russian fleet? She has 1 ship of 120 guns, 3 of 100 guns, 7 of 84 guns, 19 of 74 guns, — making, in all, 30 sail of the line; — 1 frigate of 56 guns, 3 of 52 guns, 18 of 44 guns, besides corvettes, and the whole manned by 33,000 men. Of these there are 16 sail of the line in the Black Sea. It was said, last year, that the Russian fleet was ineffective, — indeed, that it was hardly seaworthy; but a different statement has since been made by an officer who has seen that fleet, and whose report to the Admiralty has produced a different impression there. I have not asked any questions on this subject of the gentleman himself, for I felt a delicacy in applying for information which I might afterwards use in the House; but I understand the communication has been unreservedly made to naval men at the different clubs. Now, with this comparative view of the state of the naval armaments of other countries, I will appeal to the House, and ask whether, looking at France alone, — looking to the extent of her naval armament and your own, — you could reduce one single ship? God forbid that we should anticipate the possibility of a war with France. It would be the most lamentable thing which could occur to the world at large. We are under a moral responsibility to unite with that country to draw nearer the ties which bind us, and not to sever them. The question of peace or war in Europe depends on the union of the two countries, and a dreadful responsibility will rest on the shoulders of those who, from intemperance, folly, or wickedness, would attempt to sow dissension between these two nations. But, I say, looking to the extent of the naval establishment of France, if Russia did not exist, and if the American continent had not been discovered, you could not reduce your establishment by one single ship. But, we ought not to forget the state of the Russian fleet, and that our relations with the United States are of a very delicate nature. I am persuaded that the President of the United States and the American Government have not the slightest wish to go to war with this country; but they have little power when they come into contact with the excitement of the people. Very recently, we were in danger of being involved in a contest with the State of Maine; and it is well known that the insolence of a democracy rises in proportion to the inability to control them. If we were called upon to send a force there, it would scarcely be in a condition to act before the expiration of twelve months; and therefore, in the event of a war breaking out, we should be in a most critical position, for every one must admit that our naval establishment is not on an efficient footing. Let us now consider the state of our navy with regard to its capability to protect our commerce, and, in doing so, I will compare the extent of our commerce, now, with what it was at a fomer period. I will go back to a favourite period with this House; — I mean to the period between the American war and the French war — to the period between the year 1783 and the year 1793. Let us, then, see what was the state of our commerce in the year 1790. At that period, independent of our European commerce, our trade was confined to our East India possessions, to the West India islands, and to the United States of America. From every other port we were excluded. In the year 1790 this country employed 15,015 vessels, with a tonnage of 1,460,000. The value of our exports amounted to 18,544,205*l.*, and the value of the imports was equal to 17,783,572*l.* What is the position of our commerce at the present time? In the first place, England has vast colonial possessions, now, which she had not at the period to which I have referred. England has, now, possession of Malta, the Cape of Good Hope, the Mauritius, the islands of Trinidad, Tobago, and St. Lucie. We are also in possession of a large portion of Guiana, while the whole coast of Spanish America, extending some thousands of miles, is open to our commerce. At this moment, from east to west, from north to south, the ocean is white with the sails of English vessels, and our exports and imports have increased in an enormous degree. On the 31st of December, 1837, this country employed 26,037 vessels, with a tonnage equal to 2,791,018 tons, while their crews amounted to 173,506 men. The number of vessels employed in foreign trade, exclusive of those in ballast or engaged in the coasting trade, was, inwards, 12,252, with a tonnage of 2,346,300, and, outwards, 10,614 vessels, with a tonnage of 1,861,121. The official value of the exports, in 1838, amounted to 105,170,549*l.*, and the imports to 61,268,320*l.* The number of vessels employed between Great Britain and Ireland was 16,347, with a tonnage of 1,585,624; and, in carrying on the rest of our coasting trade, 122,443 vessels were engaged, with a tonnage of 9,315,563.

Such is the state of our commerce now, as compared with what it was in the year 1790. Let us now consider what the state of the English navy was during the peace, or from 1783 to 1793. In the years 1785, 1786, 1787, and 1788, there were 18,000 men employed in the navy; and in the year 1789, 20,000 men. But, before I proceed further, I wish to call the attention of the House to the mode in which the naval force of the country was, at that time, distributed. According to an account printed by order of the House of Commons, on the 23d of June, 1814, the following was the disposition of the navy in the year 1787. In the East Indies there was not a single ship. In Jamaica there was one 50-gun ship, two frigates, and three smaller vessels. In the Leeward Islands, there was one frigate and two smaller vessels; in Nova Scotia, six small vessels; in the Mediterranean, one 50-gun ship and three frigates: the whole force only amounted to nineteen vessels. But, besides these, we had, cruising about the British islands, two frigates and thirty-three smaller vessels; there were also at Portsmouth seven ships of the line, two 50-gun ships, one frigate, and three smaller vessels. At Plymouth there were five line-of-battle ships, one 50-gun ship, one frigate, and three smaller vessels. In the Medway, we had two line-of-battle ships and one small vessel. In the Downs we had one small vessel, and in the Thames we had one frigate and five smaller vessels. In short, we had, abroad, 19 vessels, and at home 68 men-of-war; whereas, now, there is not a pennant to be seen on the whole coast. This statement refers to a period of our effective naval force. Then there is a considerable number of men engaged in the surveying department, who should also be deducted. The number of men employed in these two services, last year, was 2788, and, in the present year, 3093; so that one third of the 1000 men added this year have been diverted from the particular purpose stated, and transferred to the packet or survey service; consequently, the number of seamen will be, thus, reduced from 24,165 to 21,072. We therefore have, for efficient service, 2,107 seamen, 9000 marines, and 2000 bo and, taking two boys for one man whole number is 31,072, instead of But there is another reduction wh also weakened our effective f considerably, — namely, the ol. small craft which we have ere is the coast of Africa and in t m most for the purpose of suppr the House, trade. The propriety erence between of our navy is not to public opinion with the contrary, it re nt, and that which honour and repu to which I have al- that our vessels time, impressment was but, at the sar matter of course; but now they cannot with horror, and it cannot be should any without exciting the strongest assistance detestation. Yet, if any sud- more ne emergency should arise, and it be- There necessary to send out an armament missic America, we should have no resource have impressment. Such a state of things is cor greatly to be deplored, for that abominable de system ought only to be had recourse to in cases of absolute necessity; and it is the duty of this House to take steps to guard against such an emergency. What, then, is to be done to prevent the necessity of resorting to impressment? It is my opinion, and the opinion of officers of high authority, that we ought to keep up a larger home squadron, — a squadron sufficient to command the fear of some nations, and the respect of all. At present, the whole of our force is employed, and we could not send out one vessel should an occasion suddenly arise for so doing; and no one will say, looking at the state of our foreign relations, that it is wise or politic for a great commercial country like England to be so destitute of the means of defence.

I may be told that to increase our naval force would be to create a great additional expense to the country; but, if that increase were made, England would be in a situation to command the respect of other nations, and even to force them to disarm. The expense, therefore, would not be greater than we are put to, at present; for, if we were in a position to en- ght be called being towed into Pl tes were set- it is quite impossib might then be could be used at emed necessary. let us look to nt establishment countries. should become ne- increased ergency, to arm, we amount spatch the vessels at The F nt where their services but and replace those so sent b s. That was the principle the country formerly acted, e no hesitation in saying that principle upon which we ought t present. It is because this coun- as always been prepared for war, even the midst of peace, that it has hitherto commanded the respect of the first maritime nations of Europe. I therefore trust the House will follow the example set in former times, and do everything in its power to put the naval establishment on a footing of the most perfect efficiency. I hope the House will permit me to allude to the great interest which was felt in the state of the navy in former times. In the first place, I will refer to the period when Oliver Cromwell was at the head of the Government of this country. The Protector was so sensible of the respect paid by foreign states to the naval power of England when kept in a respectable condition, that, instead of reducing his navy at the conclusion of the war, in 1654, he ordered all the ships to be repaired, and put into good condition: he also ordered new ones to be built, and filled the storehouses and magazines with all necessaries for the fleet, as if it had been a time of greatest danger. Now, what was the conduct of Parliament in the year 1695? The House of Lords sent up an Address to His Majesty, stating, —

> That, having spent some time upon consideration of the fleet, both at home and abroad, and of the great increase of the naval force and strength of our neighbours, we conceive it to be our duty to your Majesty and the kingdom humbly to represent that the honour and safety of this nation, under the providence of God, chiefly depend upon your strength at sea; and whereas, by the long continuance of this war, the number of your ships must have been diminished, and those remaining greatly impaired, we think it of the highest importance to your Majesty's service, and the security and interest of your people, that you would be pleased to give speedy and effectual directions for the repairs and increase of your royal navy.

In 1697, the King acquainted Parliament, after the peace of Ryswick, —

> That the naval fleet of the kingdom was increased nearly double what it was at his succession, and that the charge of maintaining it would be proportionably increased as it is certainly necessary for the interest and reputation

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VISCOUNT PALMERSTON., — I am anxious to say a few words on this question, chiefly because some observations have been made, in the course of this debate, upon that branch of the affairs of the country which have been confided to my care. On the actual subject of debate I need scarcely say anything, for almost every one who has spoken, has approved of the amount of the vote called for on the present occasion. The Honourable Baronet the Member for Stamford, who commenced the debate, gave his testimony in favour of the judicious arrangement of the provision stores, and also as to the number of workmen employed; and I appeal to the Honourable and Gallant Officer who has just sat down, whether we have proposed too great a number of ships. The considerations which ought to guide a Government with respect to the navy are two fold. One question is, what should be the amount of the ships possessed by the country? and that must necessarily depend on a general view of the existing naval resources of other nations, with whom we may possibly come into collision. What portion of such force shall, from year to year, be placed in commission, is quite a different question, and one that must depend on the ever-varying circumstances of the day. The distribution of the naval force of the country, so put in commission, must also depend on circumstances of a still more fluctuating and temporary nature. Now, it has been already shown that the Government are taking the most vigorous and effectual means to place the aggregate amount of the naval force of the state on such a footing as is necessary for the permanent safety and defence of the country. All who have spoken on this question have admitted this, except the Honourable Member for Kilkenny, who, alone, is of opinion that there are already too many ships in commission. While the Government have been by some accused of carrying on a war with a peace establishment, by others they have been charged with maintaining a war establishment in a time of peace. I am willing to put those two assertions against each other, and thus to show that the Government have adequately and judiciously judged of the exigencies of the public service. To be sure, the Honourable Baronet has stated it as his opinion, that although the amount of the naval force is not more than is necessary, yet the Government have given rise to that necessity by their mistaken course of foreign policy; that they have kept the world in a state of constant agitation; and by so doing, have created the necessity for an increased naval force. Now, I can only say, that in our foreign policy we have been, at least, tolerably successful; that, whether the objects at which we have aimed have or have not met the approbation of the Honourable Baronet, we have generally succeeded in carrying the points to which we have directed our attention. And if we have so succeeded in effecting our objects, still preserving a peace establishment — (always reserving the objection of the Honourable Member for Kilkenny, that even that peace establishment is too large,) — and thus saving the country from additional expenses, those, even, who disagree in the policy of our measures, must at least admit that we have shown judgment in carrying them into execution. But the Honourable Baronet says we are the dupes of France; that France is pursuing the policy of the Duc de Choiseul, — that France, intending to undermine our strength, is compelling us to wear ourselves out in time of peace, by forcing on us the expenditure necessary in a time of of profound peace; and, at the present moment, there is a prospect of war from almost every quarter. It may be said that many of the vessels I have enumerated were only guard-ships; but, even if they were to be so considered, still they could have been sent out on an emergency, and their places would have been supplied by others. But what was the fact? In the year 1790, in consequence of a dispute with Spain, about a miserable plot of ground, not worth 1000*l.* on the north-west coast of America,—and in consequence of the capture of a small vessel,—this country called upon Spain for redress. Spain declined to comply with the demands, and this country armed itself, and prepared for war; and, so far from our sending out guard-ships and nothing more, upwards of 3,000,000*l.* were expended in preparations. There is one material fact to which I am most anxious to call the attention of the House, and that is, the great difference between the present state of public opinion with regard to impressment, and that which prevailed at the time to which I have alluded. At that time, impressment was resorted to as a matter of course; but now it is viewed with horror, and it cannot be resorted to without exciting the strongest feelings of detestation. Yet, if any sudden emergency should arise, and it became necessary to send out an armament to America, we should have no resource but impressment. Such a state of things is greatly to be deplored, for that abominable system ought only to be had recourse to in cases of absolute necessity; and it is the duty of this House to take steps to guard against such an emergency. What, then, is to be done to prevent the necessity of resorting to impressment? It is my opinion, and the opinion of officers of high authority, that we ought to keep up a larger home squadron,—a squadron sufficient to command the fear of some nations, and the respect of all. At present, the whole of our force is employed, and we could not send out one vessel should an occasion suddenly arise for so doing; and no one will say, looking at the state of our foreign relations, that it is wise or politic for a great commercial country like England to be so destitute of the means of defence.

I may be told that to increase our naval force would be to create a great additional expense to the country; but, if that increase were made, England would be in a situation to command the respect of other nations, and even to force them to disarm. The expense, therefore, would not be greater than we are put to, at present; for, if we were in a position to enforce our rights, our fleets might be called home as soon as the disputes were settled, and such reductions might then be made as might be deemed necessary. If a strong permanent establishment were kept up, and it should become necessary, on any emergency, to arm, we might at once despatch the vessels at home to the point where their services were wanted, and replace those so sent out, by others. That was the principle upon which the country formerly acted, and I have no hesitation in saying that it is the principle upon which we ought to act at present. It is because this country has always been prepared for war, even in the midst of peace, that it has hitherto commanded the respect of the first maritime nations of Europe. I therefore trust the House will follow the example set in former times, and do everything in its power to put the naval establishment on a footing of the most perfect efficiency. I hope the House will permit me to allude to the great interest which was felt in the state of the navy in former times. In the first place, I will refer to the period when Oliver Cromwell was at the head of the Government of this country. The Protector was so sensible of the respect paid by foreign states to the naval power of England when kept in a respectable condition, that, instead of reducing his navy at the conclusion of the war, in 1654, he ordered all the ships to be repaired, and put into good condition: he also ordered new ones to be built, and filled the storehouses and magazines with all necessaries for the fleet, as if it had been a time of greatest danger. Now, what was the conduct of Parliament in the year 1695? The House of Lords sent up an Address to His Majesty, stating,—

> That, having spent some time upon consideration of the fleet, both at home and abroad, and of the great increase of the naval force and strength of our neighbours, we conceive it to be our duty to your Majesty and the kingdom humbly to represent that the honour and safety of this nation, under the providence of God, chiefly depend upon your strength at sea; and whereas, by the long continuance of this war, the number of your ships must have been diminished, and those remaining greatly impaired, we think it of the highest importance to your Majesty's service, and the security and interest of your people, that you would be pleased to give speedy and effectual directions for the repairs and increase of your royal navy.

In 1697, the King acquainted Parliament, after the peace of Ryswick,—

> That the naval fleet of the kingdom was increased nearly double what it was at his succession, and that the charge of maintaining it would be proportionably increased as it is certainly necessary for the interest and reputation

of England to have always a great strength at sea.

In 1707, another Address was presented to the Crown on this subject, in which it was stated that —

> It is a most undoubted maxim, that the honour, security, and wealth of this kingdom do depend upon the protection and encouragement of trade, and the improving and right managing its naval strength. Other nations, who were formerly great and powerful at sea, have, by negligence and mismanagement, lost their trade, and have seen their maritime power entirely ruined; therefore, we do in the most earnest manner beseech your Majesty that the sea affairs may always be your first and most peculiar care.

The documents which I have quoted relate to times of peace; and I trust the House will not now neglect the precautions which were then taken. I should be happy to hear some Gentleman, of sufficient importance in this House, propose an Address to the Sovereign in the present circumstances of the country, with a view, before it be too late, to place our navy in such a condition as will command the respect of foreign nations, and secure our honour and welfare at home. I beg to apologise to the House for having trespassed so long upon their time; but, feeling strongly upon this subject, and being convinced that the welfare and prosperity of the country mainly depend upon the efficiency of our naval establishments, I could not sit silent when a question of such importance was under consideration.

VISCOUNT PALMERSTON., — I am anxious to say a few words on this question, chiefly because some observations have been made, in the course of this debate, upon that branch of the affairs of the country which have been confided to my care. On the actual subject of debate I need scarcely say anything, for almost every one who has spoken, has approved of the amount of the vote called for on the present occasion. The Honourable Baronet the Member for Stamford, who commenced the debate, gave his testimony in favour of the judicious arrangemeut of the provision stores, and also as to the number of workmen employed; and I appeal to the Honourable and Gallant Officer who has just sat down, whether we have proposed too great a number of ships. The considerations which ought to guide a Government with respect to the navy are two fold. One question is, what should be the amount of the ships possessed by the country? and that must necessarily depend on a general view of the existing naval resources of other nations, with whom we may possibly come into collision. What portion of such force shall, from year to year, be placed in commission, is quite a different question, and one that must depend on the ever-varying circumstances of the day. The distribution of the naval force of the country, so put in commission, must also depend on circumstances of a still more fluctuating and temporary nature. Now, it has been already shown that the Government are taking the most vigorous and effectual means to place the aggregate amount of the naval force of the state on such a footing as is necessary for the permanent safety and defence of the country. All who have spoken on this question have admitted this, except the Honourable Member for Kilkenny, who, alone, is of opinion that there are already too many ships in commission. While the Government have been by some accused of carrying on a war with a peace establishment, by others they have been charged with maintaining a war establishment in a time of peace. I am willing to put those two assertions against each other, and thus to show that the Government have adequately and judiciously judged of the exigencies of the public service. To be sure, the Honourable Baronet has stated it as his opinion, that although the amount of the naval force is not more than is necessary, yet the Government have given rise to that necessity by their mistaken course of foreign policy; that they have kept the world in a state of constant agitation; and by so doing, have created the necessity for an increased naval force. Now, I can only say, that in our foreign policy we have been, at least, tolerably successful; that, whether the objects at which we have aimed have or have not met the approbation of the Honourable Baronet, we have generally succeeded in carrying the points to which we have directed our attention. And if we have so succeeded in effecting our objects, still preserving a peace establishment — (always reserving the objection of the Honourable Member for Kilkenny, that even that peace establishment is too large,)—and thus saving the country from additional expenses, those, even, who disagree in the policy of our measures, must at least admit that we have shown judgment in carrying them into execution. But the Honourable Baronet says we are the dupes of France; that France is pursuing the policy of the Duc de Choiseul, — that France, intending to undermine our strength, is compelling us to wear ourselves out in time of peace, by forcing on us the expenditure necessary in a time of war. The answer to that assertion, however, is given in the speeches of Honourable Gentlemen opposite, who tell us that France is keeping up a much larger peace establishment than we are. So that, according to this argument, the mode adopted by France, in order to ruin us is — first to ruin herself. But the fact really is, that there exist no such hostile intentions on the part of France as are imputed to that power by Honourable Gentlemen opposite. Even the amount of the naval force now stated to be kept up by France is, in some degree, temporary, because, of the ships at present at Toulon, a great number are getting ready for sea, in order to take the place of others whose time of service has expired, and which are on their return from the Levant and other parts of the world. The Honourable Baronet also complains of the distribution of our forces, and says that we ought not to have large ships of war lying in harbour at Lisbon. I differ from the Honourable Baronet on that subject, because I think that ships lying in harbour at Lisbon are quite as available for any emergency as if they were lying in our own harbours at home. Nay, more, — ships so situated are, in many respects, more available; because, if it was necessary to send them on a particular service, and if, at the same time, it was wished that their destination should not be known, those ships can be sent with much more secrecy with sealed orders from Lisbon, than if they were to sail direct from any of the harbours of this country. Lisbon is one of the most central stations in which ships can be placed; and, whether it may be necessary to send them to the Mediterranean, or to any other part of the world, they are quite as available for the purpose as if they were lying at Portsmouth or Plymouth. The Honourable Baronet also says, that we have made a very great mistake in having the ships at Lisbon, if our object be to maintain any influence over the Portuguese Government; and that, if we wanted to compel the Portuguese Government to adopt any measures, we should have done better by keeping those vessels out of sight until the moment when it might be necessary to make the required demonstration. Push this argument to its legitimate consequences, and it will follow that we should be better off if we had no fleet at all. If the absence of ships would give us influence, then the fault of Government must be, the having too many ships, and not the having too few! With regard to the distribution of the fleet, that is a matter which must be governed in a great measure, if not entirely, by the circumstances of the day. It is obvious that at the present time we ought to have a considerable force in the Mediterranean; and there the great bulk of our fleet is at present stationed. But it is said that our own shores are not sufficiently protected. Undoubtedly, if there were reasonable ground for expecting any hostile attack, we should not have force enough; but I am happy to say that from no quarter is there the least ground for apprehending any such attack. As far as Russia and her fleet are concerned—(and the state of our relations with Russia has been made matter of reproach), — it would be quite preposterous to ask the country to go to the expense of putting to sea a fleet against a power to whom no inimical intentions are imputed.

I will now say a word or two on what has fallen from my Honourable Friend the Member for Kilkenny, on the subject of the general system of our foreign policy, particularly with regard to affairs in the Levant. I am not going into a detailed argument on that question, in the present state of affairs; but I must say that my Honourable Friend has laid down principles which would lead to consequences inconsistent with his own views. My Honourable Friend has stated that the object of the foreign policy of this country ought to be to maintain the integrity and independence of Turkey, — that the Ottoman empire should not be dismembered; yet he, at the same time, argued, that we ought to re-establish peace between Mehemet Ali and the Sultan. And how? Why by inducing the concession, on the part of the Sultan, of all the demands of Mehemet Ali; by the virtual, nay, by the actual, cession of a large portion of the dominions of the Sultan. I contend that the course which the British Government have pursued, for the maintenance of the integrity and independence of the Turkish empire, is founded on a just regard for the best interests of this country as connected with the state of affairs in that part of the world; and that, so far from tending to bring on war, it is the only course to prevent events taking place in those parts of the world which must ultimately lead to a general European war on an extensive scale. This is not a time for going at any length into that question. I have merely touched upon it in order to enter my protest against the doctrines of my Honourable Friend the Member for Kilkenny. I am quite sure my Honourable Friend does not desire war; but I am equally sure that, if the course recommended by him were acted upon, the peace of this country would be sacrificed, and a general war in Europe would be the consequence.

SIR R. PEEL.—Sir, it is my intention to give my vote, without the least hesitation or reluctance, in favour of the full amount proposed for the navy estimates of the present year; and I cannot concur in the view which has been taken by the Honourable Gentleman (the great and consistent advocate of economy in this House), who proposes to maintain the establishments of this country without any reference, in time of peace, to the establishments of other countries. I conceive it to be quite impossible to disregard the efforts now made by other countries to maintain a great naval establishment. A profound peace may prevail, yet the gradual progressive increase of the naval power of a neighbouring country may be indicative of hostility to us. The very efforts made by a country, without any apparent necessity, to lay the foundation of a great maritime power, may, when those exertions are completed, if our inferiority be satisfactorily established, enable that country to choose a moment for the commencement of offensive operations. And in the relations of any two great European countries, unfortunately, there seldom is a time at which some plausible cause for hostilities may not be found; and, therefore, I consider it impossible that we should so conduct our affairs as to be entirely irrespective of the establishments of other countries. If we permit other countries to increase their naval establishments, while, at the same time, we diminish our own, so far from promoting the ends of true economy, we may be undermining the foundations of our security on the one hand, and, on the other, entailing a great additional expense upon the country. It was with the utmost surprise that I heard the Honourable Gentleman attribute to Her Majesty's Government, and particularly to the Noble Lord the Secretary for Foreign Affairs, the whole responsibility of the progressive increase in our establishments,—and ascribe, too, the decrease of our financial prosperity to the gross impolicy with which our foreign affairs have been managed, when I recollect the apparent cordiality with which the Honourable Gentleman, a few nights since, voted—his entire confidence in that policy: and I must say, that if the Honourable Gentleman had made upon that occasion the speech which we have heard to-night, I think his modesty must have prevented him from recording that vote. The Noble Lord opposite has congratulated himself upon maintaining a happy medium, because some persons complain that the naval establishment of this country is not sufficient, while others aver that we are maintaining a war establishment in time of peace. The Noble Lord argued that these two observations, being contradictory, afforded a strong proof that Her Majesty's Government had hit the happy medium. Now, so far from these propositions being contradictory, they may be reconciled with the most perfect ease. It may be true that we are in a nominal state of profound peace, and that, as stated in Her Majesty's Speech from the throne, assurances may be received from all quarters that foreign powers are desirous of maintaining with her Government the most amicable terms; it may be that we have a war establishment, and an inadequate one; and yet I cannot see how these two propositions are in the slightest degree contradictory, or how they prove that Her Majesty's Government have preserved this happy medium. I believe that it is in a great measure owing to the policy which has been pursued by Her Majesty's Government that we are in our present condition.

But the Noble Lord says, "Whatever complaints you may prefer in particular instances, at all events you must admit that my foreign policy has been successful." Now, this is a very happy assumption on the part of the Noble Lord; but it is one which we entirely dispute. I should like to know what is the ground of success. Twenty-five years have now elapsed since the establishment of a general peace throughout Europe. What progress have we made since that period towards a diminution of the national burdens? I should have imagined that the indications of our success would have been, that so great was the confidence which we had established amongst foreign powers,—so prevalent was the influence of our mediation and example,—that the powers of Europe generally were discontinuing or greatly diminishing their armaments; and that now, after the lapse of a quarter of a century, we were enjoying the beneficial fruits of internal tranquillity, and reaping a rich harvest of commercial industry. But can we make that boast? Has the Noble Lord given proof of the success of his foreign policy, by diminishing our military expenses? On the contrary, has there not been a gradual increase?—a necessary increase it may be; but let not the Noble Lord say that his policy has been successful. Surely, in the twenty-fifth year of peace, the success of our policy ought to have been demonstrated by a considerable reduction in this important branch of expenditure. But, instead of retrenchment, have we not been making preparation for war during a time of peace? Is the state of our finances a happy one at the present time? Does the Noble Lord bear in mind, that, for the last four years, there has been a regular deficiency of income? In 1837 there was a deficiency; in 1838 a deficiency; in 1839 a deficiency; in 1840 an increased deficiency;—mainly on account of the increase in our military establishment. So far, therefore, as the state of our finances and the indications of general tranquillity are considered, I do not think that the Noble Lord has much to congratulate himself upon. I am willing to abide by the test which the Noble Lord himself has proposed, as to the merits of his foreign policy — the test of that eminent success of which he has boasted. Let us examine that policy in detail. The point, I presume, upon which the Noble Lord chiefly rests his allegation of success is the quadruple alliance, — the treaty which was intended to form a lasting bond of amity between the four western powers of Europe, as a counterpoise to the diplomatic influence of the despotic powers in the north and the east. The Noble Lord prophesied, that between those four powers— England, France, Spain, and Portugal — bound together by the common sympathies of a liberal and constitutional form of government, there was to be entire concord and harmony; that the influence of England in the Peninsula would be established on a permanent basis; and that the intimate union between the four powers would present an impenetrable barrier to all the aggressions of despotic Governments. I will begin with Portugal. The Noble Lord says, "At least our efforts have been successful there." That may be, and yet it may be no proof of merit, although it would undoubtedly, *primâ facie*, afford a presumption that the policy which led to those successful results was correct in principle. But what is the Noble Lord's influence in Portugal? Why does he keep three sail of the line at Lisbon? An Honourable Member has said, "Remove them, and you will have more influence with the Portuguese Government." Upon what assumption? Why, that you keep three sail of the line there to protect the Government which you have established, and that, relying on their protection, Portugal is enabled to defy our power and disregard our representations, because she is safe in the protection of our own three sail of the line. On this ground the Honourable Member asks the Government to try the effect of removing the fleet. Upon which the Noble Lord thinks it a triumphant answer to say, "It is rather a proof that you think, if England had no fleet at all, her influence would be increased throughout Europe." Now, what account has the Noble Lord given of his influence with Portugal? The debate commenced with the presentation of a petition by my Noble Friend the Member for Liverpool, complaining that Portugal has treated with the greatest injustice, and with utter disregard and contumely, the just claims of British subjects, and accompanied this injustice with every species of insult. Does the Noble Lord deny the allegation? Not at all. He says, that he agrees in almost every word stated by my Noble Friend; that the faithless conduct of the Government of Portugal has been well described, — that Government which we established, and to establish which we departed from the ordinary line of British policy, not to interfere in the domestic concerns of foreign countries. The Noble Lord says that his influence with that Government has been so small for the last five years, that, notwithstanding every successive change in its constitution, and in the individual members of whom it is composed, he has not been enabled to procure for England that satisfaction — that bare justice — which it appears Belgium has obtained for her subjects in Portugal. The Noble Lord's defence is, "I admit all your allegations; but so small is our influence with that country, whose Government we ourselves established, that, although for five years I have been repeating my entreaties and remonstrances, they have not been attended to; but I now promise you that a Commission shall be appointed in London, — if possible, with the concurrence of Portugal; if not, without it, — and whatever it may report, that will I exact from the Government with which I have been so successful." So much for what private claims are. But what did the Noble Lord tell the House during the last Session, with respect to the slave trade? What did he say of Portugal, — this ancient ally of England, which formerly was attached to this country by feeling as well as by interest, and whose present Government owes its very existence to our departure from the principle of non-intervention in the domestic concerns of other nations? I am now quoting from memory, but I believe the Noble Lord said, last year, "If ever there was a flagrant violation of national faith, it was that which had been committed by Portugal. It was not merely that she had turned a deaf ear to the interests of humanity — that she had disregarded every appeal which had been made to her — that she had positively violated her compact with this country — (for Portugal had received a pecuniary equivalent from England, about half a million sterling having been paid to her to induce her to relinquish her traffic in slaves); — but, although we had a pecuniary claim on Portugal, and had made her an advance beforehand, upon a specified condition, yet she had swindled us out of our money;" and then the Noble Lord added, "I ask of you, the Parliament of England, to pass a Bill to prop up my defective influence, and force from Portugal that justice which she will not render to my remonstrance." Such, then, is the success with which the Noble Lord's policy has been attended, in the case of one power which was a party to the quadruple alliance! I will now come to the case of Spain. A short time ago I saw a correspondence in the papers, from which it appeared that the British merchants resident at the Havannah, having subscribed a considerable sum to provide a religious service, there, in accordance with the rites of the Church of England, applied to the Noble Lord to use his influence with the Spanish Government to obtain the desired permission. The Noble Lord, in consideration of all the important services which he had rendered to that country, could surely not have the smallest difficulty in obtaining so slight a favour. And this appeared to have been the Noble Lord's opinion at the time, for he stated at once that he would make the desired application to the Spanish Government. And the Noble Lord did make the application; but for several weeks no answer was returned. At last the Noble Lord acquainted the House that, having made his application to the Spanish Government, backed by all the influence of the British Crown, which was upon so friendly a footing with Spain, — such was the forgetfulness of the obligations which Spain owed us, that he found it impossible to procure from the Spanish Government the small boon, to the British subjects resident at the Havannah, of permission to celebrate divine service according to the ritual of the Protestant religion. I thought that one great object of the treaty of quadruple alliance was to introduce greater toleration into the international dealings of the Peninsular powers; that the progress of civilisation and refinement, which a liberal form of government would introduce, was one of the grounds upon which we were called on to interfere. That interference has taken place, — our money has been advanced, — the blood of British soldiers has been spilt, — and yet, what is the proof of our influence with the Government of constitutional Spain? Why, that the Noble Lord has not been able to procure this small favour from the Government which he had established, three months after the success of his interference in its behalf! But, on the other hand, what is the influence of the French Government with Spain? I do not think that the interference of France, in arranging the domestic affairs of Spain, was carried to a greater extent than that of England. One of the great recommendations urged, when the project of the quadruple alliance was introduced into Parliament, was, that British influence would become paramount in the Peninsula. Now, how did the French succeed when they applied to Spain for the possession of Port Mahon? The Spanish authorities at Port Mahon protested against it. It was protested against by a committee of the Cortes; the Noble Lord himself entertained a strong feeling of jealousy on the subject; but, notwithstanding all these objections, the island is now in the possession of the French. How much more important is the concession made to the French, than the favour which was asked, in vain, for the British residents at the Havannah! So much for Spain, the second party to the quadruple alliance. And now, I come to France. Again, I repeat, that I most deeply lament the manifestation of a growing jealousy between this country and France. What greater proof could the Noble Lord have given of the success resulting from the quadruple alliance, than the reduction of the national establishments, and the increase of mutual confidence; but, above all, a forbearance on the part of France, during a time of peace, to increase her naval force to such an extent, that we are compelled to provide extravagant estimates, in order that we may not be taken unprepared. Success! Our cordial relations with France! Can the Noble Lord deny that the French have fifteen sail of the line in the Mediterranean? Why have we twelve sail, there, at this moment? Why does the Noble Lord boast that Lisbon is so conveniently situated, that we can easily add to that force? Why, having only twenty-one sail of the line altogether, have we fifteen of them stationed in the Mediterranean, or its immediate neighbourhood? Is it for the purpose of interfering between the Porte and Egypt? Is it not, undeniably, on account of the predominant influence of France, that you are unwilling to leave the Mediterranean without three fifths of your naval force either there or in its vicinity? Then, with respect to the demands of this country on France for compensation for the grievances and wrongs sustained by our merchants on the coast of Africa; have they been adjusted? Have those grievances, which were brought forward by one of the keenest supporters of the present Government (the Honourable and Learned Member for the Tower Hamlets) been redressed? If the influence of the Noble Lord with foreign powers be sufficient to justify the boast which he has this night made — (and I am now speaking only of those powers which are united, in a peculiar bond of amity, by the quadruple alliance); — and, if the policy of the Noble Lord have been so successful; I ask how does it happen that, up to this hour, he has not obtained the slightest reparation from France for the injuries which he admits the British merchants have sustained? I say, in the first place, that the Noble Lord cannot give the House any indications of that complete success in his foreign policy, which would have been best shown by retrenchments in his estimates, and by reduction in his military establishments; and I have now proved that the Noble Lord cannot give the House any indications of it in the compliance of foreign powers with the just and equitable demands of his Government. It is possible that the Noble Lord may boast of the complete success of his policy in settling the boundary question on the north-east frontier of the United States. That question has been long pending between the two Governments of Great Britain and the United States; and the indications which I see in the papers before the House are not such as to induce me to place any confidence in the boast of complete success which the Noble Lord has uttered, upon this portion of his policy.

Travelling to the east of Europe, I recollect a boast, or rather a pledge, given by the Noble Lord, in his place in Parliament, that three months should not elapse without England's having a representative at Cracow. If the Noble Lord had not made a boast on that subject, no one would have had a right to quarrel with him. Difficulties may have occurred which it was not possible for the Noble Lord to encounter; but then the Noble Lord — knowing, as he must have done, the jealousies which he would have to encounter in any negotiations relative to Cracow — ought not, as a Member of the British Parliament, and still more as the Foreign Minister of the British Cabinet, to have given a pledge in public that such and such an event should take place within a given time. I do not mean to say that, under peculiar circumstances, it might not be right to give such a pledge; but this I do mean to assert, that such a pledge ought not to have been given unless it were intended to redeem it; and that, at any rate, he who gave it, and did not redeem it, ought to abstain from boasting of the complete and uniform success of his foreign policy. Into the great questions connected with the present state of affairs in the Levant, I will not now enter. At the commencement of the Session, I asked the Noble Lord a question on the subject, which he desired me not to press, as a sense of public duty would forbid him from answering it; but if I were to enter into that question, I think that there, again, I should find room for arguing that the Noble Lord can produce no proof that the success of his foreign policy has been complete and triumphant. I intended to take no share in the present debate; but I could not hear the Noble Lord's triumphant declaration that his foreign policy had been so successful, without entering my decided protest against its correctness.

VISCOUNT PALMERSTON. — Sir, I have listened to the speech of the Right Honourable Member for Tamworth with a mixed sensation of pain and of pleasure, — with pain to think that an individual standing in his eminent position, and filling so ample a space in the eyes of Europe, should, in discussing the important interests of this country, and the tendency of its foreign policy, have taken so narrow and so limited a view of it as to put the great issue — whether the foreign policy of the Government be wise or not — on such petty matters as those which he has mentioned, totally forgetting all those great considerations which ought to have presented themselves to his mind, and the absence of which has been to me a source of pleasure, because I well know that the Right Honourable Gentleman had too statesmanlike a mind not to have adverted to them, if those considerations would have served his purpose. I am almost ashamed to follow the Right Honourable Gentleman through what I must call, without meaning the slightest disrespect to him, the miserable, paltry details on which he has rested the whole strength of his case. Out of deference, however, to the House, I will pursue the Right Honourable Gentleman through the different subjects which he has made the theme of his vituperations against the Government. And, first, with respect to Portugal, which is always a sore point with the Right Honourable Baronet, because it was the first point on which the policy of the Liberal Government came into collision with that of the Right Honourable Baronet. It was in Portugal that we found the Right Honourable Baronet the defender and protector of Don Miguel. It was in Portugal that we found him on the very point of acknowledging an usurper, merely because that usurper had overthrown a constitution. It was in Portugal that the first attacks were made by the Right Honourable Baronet and his supporters on the foreign policy of the Liberal Government; and it was because that Government supported the cause of Donna Maria and of the constitution in Portugal, that every term of contumely and reproach was heaped upon me, personally, as the organ of it, and that every prophecy of disgrace and discomfiture was hurled against me from the other side of the House. I say that the cause which we undertook has succeeded, in spite of all that the Right Honourable Baronet has said to the contrary. Nay, the Right Honourable Baronet himself has admitted that it has succeeded, for he has talked of the form of government which we have "established," and, by so doing, he has "established" the very doctrine which he had attempted to refute. Perhaps it was not to be expected that the Right Honourable Baronet would concur in the feelings of those who thought they had done a service to the cause of good government in rescuing Portugal from the tender mercies of an usurper, like Don Miguel. "But," said the Right Honourable Baronet, "you have no influence now in Portugal, because Portugal refuses to admit your claims." Now, I will ask the Right Honourable Baronet whether Don Miguel admitted the claims of the British Government when he was the Minister who advocated them? Was the Right Honourable Baronet more successful than the present Government has been in getting satisfaction for British claimants? Were the former Governments of Portugal — those Governments in which the will of one man was the law of all — more disposed to put down the slave trade than the present constitutional Government? If the Right Honourable Baronet will only look back to what occurred in Portugal under his *protegé* Don Miguel, he will not find that the spirit of the Portuguese Government to support the slave trade is more intense, now, than it was, formerly. We have, however, done that which the Right Honourable Baronet did not even attempt to do. We have taken vigorous measures to compel Portugal to put down the slave trade, and we have not been afraid to incur the displeasure of the present Government of that country, whatever may have been the ceremony which the Right Honourable Baronet used towards the protected Administration of Don Miguel.

Now, with respect to Spain, — a country in which a severer struggle has recently been carried on between a despotic and a popular form of government than any which has been witnessed in modern history. Looking at the conduct of Spain, and judging of the policy of the British Cabinet, its motives, its objects, and its success, the Right Honourable Baronet can find no spot in it on which to place the finger of scorn, except the refusal of the Governor of Havannah to allow a Protestant chapel to be established in that port. Will the Right Honourable Baronet permit me to ask him one question in return for the many which the Right Honourable Baronet has put to me? Does the Right Honourable Baronet think that, if Don Carlos and the Inquisition had been established at Madrid, there would have been a stronger disposition in the Court of Spain than there is at present to allow the legalised introduction of Protestant worship into the dominions of that country? But can the Right Honourable Baronet look with indifference on the success of the Spanish people in shaking off the yoke of a despotism which was calculated to cramp all their energies, and to wither, in the bud, every hope of prosperity? Can he not enter into the feelings of those who have, in despite of every attempt to thwart their endeavours, stedfastly supported that cause? Can he not enter into the feelings of those who feel some triumph — and, surely, it is a justifiable triumph — in the complete success of the policy they have pursued?

[Cries of "Hear, hear!" from the Opposition benches.]

I say, the complete success ——

[Cries of "Hear, hear!" from the Ministerial benches.]

— for, whatever any man may anticipate as to the precise period at which the embers of the civil war still smouldering in Spain shall be extinguished, one thing is quite certain,—that the flame of liberty will not be extinguished, but will continue to burn on with a clear and steady lustre, because the constitution of Spain has been established; and that country, having been rescued from the debased situation in which she has so long been sunk, is qualified to become, as she soon will become, an important element in the balance of power in Europe. Can the Right Honourable Baronet, who aspires to be the first Minister of this great country,—who thinks himself qualified, and whom so many persons consider so well qualified, to guide the destinies of England, and to direct its foreign as well as its domestic policy,—can the Right Honourable Baronet close his eyes and blind his views to the various important results, and their bearings, which must arise from re-establishing Spain as an element in the balance of the powers of Europe? Can the Right Honourable Baronet see no other advantage likely to result to this country from such a consummation, except that of obtaining permission to establish a Protestant church at Havannah? "But," says the Right Honourable Baronet, "I will try the present Government, not only by the failure of their influence, but by the test of the success of French influence, in Spain." And what is the mighty success alluded to? Why, I could hardly believe my own ears when I heard the Right Honourable Baronet mention, as a triumph of French influence dangerous to this country, the fact that the French have obtained a lease for two years of a small island off Port Mahon, for which they pay a rent of sixteen dollars a month; a lease, too, which they bought of the Americans, as anybody would buy a lease of a house. But if the Right Honourable Baronet asks what we have done to rescue Spain from any foreign influence whatever,—be it that of France or any other country,—I will tell him that, by establishing a constitutional Government, by introducing popular control over the Executive, we have done more to secure the independence of Spain than we could have done by getting the Spaniards to concede the lease of a paltry island.

Then the Right Honourable Baronet turns to France, and says that we have boasted of having cemented a good understanding between the two countries; but, he asks, what has it all come to? and he tauntingly remarks, that France has fifteen sail of the line in the Mediterranean. The Right Honourable Baronet complains, moreover, that a spirit of hostility towards this country is growing up in France. If I were to be asked what is the cause of that spirit of hostility,—what, at least, is the probable cause of it,—I should say, it is the language which has been held during the last four or five years — not by the Right Honourable Baronet, because he knows too well the consequences of indulging in that strain, but — by all the Gentlemen who surround him, and by all the party in another place, who, seizing on every little incident which they think may be used for creating ill-will between the two nations, endeavour, by every means, to excite the jealousy of England, and to revive her ancient animosity against France; and, by so doing, to provoke, of necessity, corresponding feelings on the part of France towards us. That part of the public press, too, which may be supposed to speak the opinions of Gentlemen opposite, has been, for a great length of time, holding the same irritating language, and exciting a return of it from the French newspapers. If there were, which I do not believe, a growing spirit of jealousy and unfriendliness towards England with any considerable party in France, I certainly could not be surprised at it, seeing the tone and manner in which everything connected with France has, for a long time past, been treated by Gentlemen on the other side of the House. But I am happy to say this is not the case, and that there are obvious bonds of union, deeply rooted, and firmly founded on the most vital interests of the two nations, existing between Great Britain and France; and I can relieve the mind of the Right Honourable Baronet, by assuring him that I have the firmest conviction that the Government of France, and all those statesmen who have the greatest influence on the policy of that country, are as strongly convinced as we are, that the friendly union now happily subsisting between these great powers is as essential to the interests of both nations as it is to the general peace and happiness of Europe. I have not thought it worth while to dwell on the instances of our "success" that may be considered an excellent set-off against the cession of the lease of an island off Port Mahon, and the existence of fifteen French sail of the line in the Mediterranean. I have not thought it worth while to mention that from Spain, a Government with which we have no influence, according to the Right Honourable Baronet, we have obtained a treaty for the suppression of the slave trade, which no Administration was ever before able to obtain; that from France we have obtained a treaty of the same kind, giving a mutual right of search, — a right which it is obvious there were many reasons to prevent the French from conceding, except with great difficulty. I will not dwell on these things, though I think them no bad set-off against those on which the Right Honourable Baronet has laid great stress; but I assert that, if it has been a main object of our policy, as it undoubtedly has been, to cement a good understanding between England and France, in that object we have entirely succeeded.

But, then, the Right Honourable Baronet has ventured on another topic of accusation, and charged me with having, on a former occasion, boasted that in three months a consul should be sent out to Cracow. Now I boasted of no such thing. A Right Honourable Friend of mine had submitted a motion for an Address to the Crown, among other matters, to appoint a consul at Cracow. I then stated that it was the intention of Government to appoint a consul at that place, and thereupon the motion was withdrawn. Undoubtedly that was our intention; but circumstances afterwards occurred which induced us to alter that intention.

[Cries of "Hear, hear!" from the Opposition benches.]

I repeat, that I made no boast on the subject; but we did not carry our intentions into execution, because we found that such a step would give umbrage.

[Cries of "Hear, hear!" from the Opposition benches.]

In the first place, it would have given infinite umbrage to the powers which had the chief command over Cracow, and, in point of fact, if those powers had chosen to make the Cracovian authorities refuse to receive our consul, they would have refused, and we should have had no power to compel them to accept him. Taking all the circumstances into consideration, it did not appear to us that there was a sufficient motive for sending a consul thither.

[Cries of "Hear, hear!" from the Opposition benches.]

I know that strong feelings are entertained by some Honourable Members on this point; but whenever the matter is brought under consideration, I shall be perfectly ready to meet it. These, I believe, are all the topics on which the Right Honourable Baronet touched, except the accusation, that the present Government has not succeeded in composing differences. Why, I maintain that in that object we have been most successful, for we have, notoriously, composed differences, and those of a very embarrassing and delicate kind. A great difference had been growing up between two powerful countries, with each of which it was of the utmost importance that the British empire should maintain peaceful relations—France and the United States. Those countries were quarrelling on a point of honour, and could not come to an accommodation without the intervention of a common friend. We stood forward; — we settled, we composed that difference; — we prevented a war which would have been most calamitous to both parties, and which might have involved this country, too, in the blaze. Again: there had arisen a difference between France and Mexico, which might not have had consequences so serious to the contending parties, but which would have caused great injury to England in its commercial relations. The present Government composed that difference too. "Oh, but," says the Right Honourable Baronet, "you have not composed the difference respecting the north-eastern boundary of the American provinces." We have not yet done that, certainly; but I beg to ask the Right Honourable Baronet whether former Governments have been more successful — whether the Right Honourable Baronet himself was more successful? Did he find it an easy question, or was it more near to a settlement in the Right Honourable Baronet's day than it is at present? If the Right Honourable Baronet had endeavoured to pick out the narrowest and smallest topics to which to draw the attention of the House, he could not have succeeded better. But to be able to judge of the foreign policy of a Government, a higher and broader range ought to be taken than a few isolated points. Our great object has been to preserve peace. We were told by an Honourable Member opposite, on succeeding to power, that we could not preserve peace for three months; but we have preserved it for ten years. Our policy has not been to intermeddle in the affairs of other countries, but, by the legitimate exercise of the influence of Great Britain, to support other nations in their struggles to obtain for themselves institutions similar to those which have been described as forming the boast of this country. In that object we have succeeded; for in no equal period of time, I will venture to assert, has civil liberty made such progress, as in those years during which, according to the Right Honourable Baronet, we have been singularly unfortunate. We have really been successful in so many things, that I had almost forgotten to recall to the recollection of the House the successful close of the negotiations relating to Belgium. That was an arrangement of no small difficulty,— of no inconsiderable importance to Europe, — of no small moment, especially to England; and yet we brought those intricate negotiations to an end without involving Europe in war, which was so often predicted as the inevitable result of all our efforts. But while we have protected the friends of civil liberty in Europe, have we thereby forfeited the friendship and good-will of those powers whose Governments are constructed on a different principle? I answer, confidently and boldly, No. Although reproached with having alienated for ever our ancient allies, the Dutch, we have obtained from them a treaty of commerce, abolishing those differential duties, which former Administrations, disposed to be most friendly to Holland, endeavoured in vain to get rid of. We have concluded with the Governments of Turkey and Austria treaties of the utmost importance, which, when fully in operation, will confer extensive benefits on our trade. I ask, again, whether, in pursuing that course which we considered best adapted to secure the interests and welfare of the empire, we have lost the friendship or forfeited the good-will of other states? I confidently affirm — No: for if, at any one time more than at another, the Governments of Austria, Russia, and Prussia were disposed to place confidence in that of England, it is at the present moment. I therefore say that the Right Honourable Baronet has utterly failed to establish the positions with which he set out; and I fearlessly assert, that in everything of importance which we have attempted to accomplish, we have hitherto succeeded.

[Cries of "Hear, hear!" and, "Oh, oh!" from the Opposition benches.]

I know that many of those objects are distasteful to Gentlemen opposite, but I nevertheless consider them calculated to promote and secure the best interests of England.

[Cries of "Hear, hear!" from the Ministerial benches.]

So far from the Right Honourable Baronet having shown that I boasted of success where we had not accomplished our objects, I think I have established not only the entire futility of his objections, but have stated sufficient to convince the House that I did not make the assertion which has been so much commented on, without good and substantial ground for so doing.

SIR R. PEEL. — Sir, there are two or three points in the speech of the Noble Lord which I will very briefly notice. In the first place, I will advert to the general tenour of my own observations. They were made in answer to a boast by the Noble Lord that under his administration of the foreign policy of this country the influence of England has had a predominating weight. I therefore referred to the extent of our influence with three of the parties to the Quadruple Treaty. I first alluded to Portugal, and I turned to our negotiations on the subject of the slave trade with that power, by whom, upon the admission of the Noble Lord himself, every engagement made with us has been violated, notwithstanding our advance of half a million to enable her to carry out the objects of those negotiations. I noticed, also, the claims of the British subjects which have this night been brought forward by my Noble Friend, which claims, by the Noble Lords's admission, have not been satisfactorily adjusted; and I did infer from this circumstance that the policy of the Noble Lord has not been so successful as he had represented it to be. The Noble Lord says that Don Miguel would not have given this country more than the present Queen of Portugal has given. That is the whole amount of his defence. "It is true," says the Noble Lord, "that I have got nothing for you; but you would not have got more from Don Miguel." The Noble Lord says that the members of former Administrations would have been guilty of the enormity of recognising Don Miguel. Why, supposing they had been guilty of such an enormity, they would only have done what Lord Althorp said ought to be done. That Noble Lord, whom you wished to become the leader of your party in the House of Commons, called us to account for not recognising Don Miguel, and said, that whatever Don Miguel's character might be, in his opinion, the time was come, when, in conformity with the ancient policy of England, we ought to recognise Don Miguel, who appeared to be, *de jure* and *de facto*, the Sovereign of Portugal. The Noble Lord says that the matters to which I have alluded are, in themselves, trifling and of no importance. He says that the question of the establishment of a Protestant chapel at the Havannah is not important, and he says the same thing with respect to what has taken place at Port Mahon. Now, I mentioned these instances for that very reason. Just as they are unimportant, exactly in proportion to their triviality, is my proof conclusive that the influence of England is not predominant, and that the policy of the Noble Lord has not been successful. The Noble Lord says he has maintained peace; but has he reaped the advantages of peace? Has he been able to make the reductions which ought to be made in time of peace? If the peace which is now maintained be of so feverish a nature that it is necessary to increase the establishments of the country, and, consequently, to add to our debt, the Noble Lord has very little reason to boast of the maintenance of peace. I will now refer to the case of Cracow. The Noble Lord says he made no boast of what he would do in that instance; but when a motion with reference to Poland was brought forward, he made a public delaration (which led to the abandonment of that motion), that three months should not pass before he sent a consul to Cracow. And yet the Noble Lord says he made no boast of what he would do. The Noble Lord declares that he was deterred from sending a consul to Cracow by the apprehension of giving umbrage to the other powers. That was a very good reason, perhaps, for abandoning his intention; but it is no reason why, after stating that he would act upon that declaration, he should boast of the influence of England and the success of his policy. Now, with respect to our relations with France. The Noble Lord says that the language of the party with which I am connected, and the language of our press, has endangered the stability of our alliance with that country. Now, I will tell the Noble Lord that my alarm arises from the language of the Noble Lord's press. And when the Noble Lord speaks of the language of the press supposed to express the opinions of the Conservative party, is he not perfectly aware that the language of the journals supposed to be under his influence, and speaking the sentiments of Her Majesty's Government, has done more to create irritation in France than all the speeches which have been made in either House of Parliament by individuals, and all the language used by the press, which is opposed to him? I will not, at this late hour of the night, enter further into the subject; but I thought it proper to remark upon the cases of the chapel at the Havannah, and the conduct of the French Government with regard to Port Mahon, as raising an argument to show that the influence of England, abroad, is not so predominant as the Noble Lord wishes us to believe, and that his own policy has not been advantageous to the interests of this country.

LORD VISCOUNT SANDON. — I cannot allow the strong assumptions of the Noble Lord to pass without remark. The Noble Lord has talked largely of his influence with Spain and Portugal, when he is well aware of the inutility of his efforts to establish more extended commercial relations with those countries, and when, in fact, increased hostility has arisen in them to our commerce. The Noble Lord ought not to look to the establishment of abstract principles in other countries, but to the substantial interests of his own. He professes, indeed, to be a follower of the principles of Mr. Canning, but he seems to have forgotten the words of that statesman, who said, that while he was a Minister of England, he would look, like a Minister of England, to the interests of England, and not to the propagation of abstract principles abroad. Does not the Noble Lord know that, year after year, the merchants of this country have been praying him to prevent the gradual exclusion of British shipping from Portugal? At this very moment, I have a letter in my possession, from one of the principal merchants of Liverpool, who is connected with the trade of Portugal, complaining of the exclusion of British navigation therefrom, owing to the want of attention, or the want of influence, of our Government. After the statement of facts which has been made, surely the Noble Lord has no right to say that the influence of England is predominant, or that his own policy has been successful? Surely, he has forgotten how France laughed to scorn our interference when her own aggrandizement was in question? Surely, he must have forgotten how long the interests of England have suffered from neglect in the Gulf of Mexico, and in the Rio de la Plata? Surely, he must have forgotten the establishment of new principles of blockade, which were denounced by the Judge of the Admiralty, the Noble Lord's zealous supporter in this House. On former occasions, the Noble Lord has boasted, that no Minister has ever done so much for commerce as he has done. It is always the Noble Lord's way to meet charges of the kind which have been brought forward to-night with the boldest assumptions. If the case be as the Noble Lord has represented it, certainly there never was so ungrateful a body of men as the merchants of this country.

[Laughter, and cries of "Hear, hear!"]

I had not intended to enter into this debate, but having been frequently made the channel of complaints, that our commercial interests have been neglected, I could not listen in silence to the boast of the Noble Lord, of the attention paid to our commerce in all quarters of the globe, and of the success with which his efforts had been followed.

CAPTAIN PECHELL. — Sir, I rise to protest against the language which has been used in this House and elsewhere, with respect to the appointment of Admiral Fleming. It has been stated, that the disgust created in the navy by that appointment is such, that in case of a war breaking out, officers may not be found to serve on board our ships. It is most painful to hear such language applied by one officer to another. I have seen Admiral Fleming in command of a ship of the line, more than thirty years ago. He served faithfully during the war, and although it may have been his misfortune not to have been in any engagement, I must say that he was one of the most active and diligent of our cruisers; and that his deeds in the "Egyptian" and the "Revenge," stand recorded in the annals of the service. If fault is found with the appointment of such an officer to the governorship of Greenwich Hospital, it would be better to do away with the office altogether. I consider that the Gallant Admiral is well qualified to discharge the duties which have devolved upon him. ——

[Cries of "Oh, oh!"]

I would ask Honourable Gentlemen, is it indispensably necessary to appoint some worn-out officer, who may be incapacitated from acting in an efficient manner? I cannot see why Honourable Gentlemen should complain of the choice made by the Government, on this occasion. No one found fault with the appointment of Sir Thomas Hardy, who was selected by the Right Honourable Baronet opposite. We do not complain of that nomination, but of the comparisons which have been instituted. It has been stated, that services on the quarter deck have been made secondary to services on the hustings. Now, I do not believe that that has been the case: but even if it were so, the charge comes with a very bad grace from Honourable Gentlemen opposite, for the Right Honourable Baronet was the first to set the example in the case of Sir Harry Neale; and that transaction certainly gave more disgust than anything which has taken place with regard to the governorship of Greenwich Hospital. I am sure the Gallant Officers who have spoken on this subject will admit that they did not intend to cast any reflection on Admiral Fleming. I certainly have not witnessed the dissatisfaction which is said to exist out of doors, on this subject; and I must say that I do not believe that such feelings are entertained by the officers of the navy.

[Cries of "Adjourn, adjourn!"]

LORD VISCOUNT INGESTRE.—I did not wish to say anything personally against Admiral Fleming. The remark which I made applied to his political appointment. I think it would have been much more creditable to the Government to have appointed one of the distinguished officers above him on the list, and who had not been quite so useful to them on the hustings.

SIR E. FILMER. — Sir, the Gallant Captain has put himself forward as the champion of Admiral Fleming, but he has forgotten to state how many times the admiral has been in collision with the enemy? I now beg to ask the Gallant Captain that question.

CAPTAIN PECHELL. — I cannot admit that I startad up as the champion of Admiral Fleming. I rose to defend the navy, generally, and to protest against the language used with respect to the navy, as well as to Admiral Fleming, who has distinguished himself in various ways.

SIR E. FILMER. — In which way?

CAPTAIN PECHELL. — In all his actions. I hope that will satisfy the Honourable Baronet.

CAPTAIN A'COURT. — I wish to say nothing against Admiral Fleming; I believe he has served as long and as faithfully as any man; but I think that he ought not to have been appointed to the governorship of Greenwich Hospital, when there were so many officers above him, and below him too, who have fought and bled for their country, and acquired distinction by their gallant services, and who certainly ought to have been considered before Admiral Fleming. It is very unpleasant to be under the necessity of making these observations; but on the part of the service to which I have the honour to belong, I must enter my protest against that most unjustifiable appointment;—an appointment which, I am sure, is reprobated and condemned by the country at large.

[Cries of "Adjourn, adjourn!"]

Mr. MACLEAN. — I think that so important a discussion as the present ought not to be allowed to terminate in so unsatisfactory a manner. I am not satisfied, and I do not think the country will be satisfied, with the limited view that has been taken of it; and I therefore move the adjournment of the debate to Monday next.

LORD J. RUSSELL. — Sir, if the Honourable Gentleman is not satisfied with the long discussion that has taken place, I believe Honourable Members on this side of the House are perfectly satisfied. I do not think that the votes for the service of the navy ought to be delayed for the purpose of having an irregular discussion on foreign affairs. Unless the Honourable Gentleman has something to urge against the vote, I shall object to the adjournment.

Mr. MACLEAN. — If the Noble Lord takes the same view of the subject as the Noble Lord the Secretary for Foreign Affairs, a considerable portion of new matter may be introduced into the debate, for the latter Noble Lord considers that only the most trivial points of his policy have been touched upon. I think it very unreasonable to terminate the debate in this way, particularly as the discussion proceeded from that side of the House.

LORD J. RUSSELL. — I think, as the vote is not objected to, that it had better be now taken. The discussion, if it should be thought necessary, can be continued on the next vote.

Mr. MACLEAN. — I will not now interrupt the vote, if another opportunity of expressing my opinions is likely to be afforded.

Resolution agreed to.

Resolved, That 35,165 men be employed for the sea service for thirteen lunar months, to the 31st day of March, 1841, including 9000 Royal Marines and 2000 boys.

The House resumed; resolution to be reported on Monday next; Committee to sit again on Monday next.

STAGE CARRIAGES (IRELAND) BILL.

Second reading deferred till Friday, the 6th of March.

INLAND WAREHOUSING BILL.

Second reading deferred till Monday next.

VAGRANTS' REMOVAL BILL.

Considered in Committee; to be reported on Wednesday next.

FLOUR IMPORTATION (IRELAND) BILL.

Committee deferred till Friday, the 6th of March.

WAYS AND MEANS.

Committee deferred till Monday next.

SALE OF BEER.

Mr. PAKINGTON. — I beg to move that the House resolve itself into committee to consider the Acts (1 Will. IV. cap. 64., and 4 & 5 Will. IV. cap. 85.) relating to the sale of beer. I trust the House will have no objection to go into committee *pro formâ*.

Question put.

Mr. BROTHERTON. — Sir, I certainly object to proceeding with the Bill at so late an hour.

SIR R. INGLIS. — The Honourable Gentleman opposite, no doubt, exercises a sound discretion; but it is, certainly, a very remarkable one, as to the period at which he interrupts the business of the House. I do not recollect an instance of his moving the postponement of any measure proceeding from his own side of the House. For three weeks the Honourable Member kept a notice on the books which he was unable to carry; and he now takes the opportunity, when there is not a sufficient number of Members present, to object to a motion which would otherwise be agreed to as a matter of course. It is, certainly, in the power of the Honourable Member to prevent the House going into committee; but I beg to remind him, that the course he is now taking may be imitated by this side of the House on other occasions.

Mr. BROTHERTON. — Sir, my reason for objecting to the further progress of the Bill at this hour is, that it is the intention of the Honourable Member for Bridport to oppose it; and I think that, in fairness, it ought not now to be pressed.

Mr. PAKINGTON. — It is a mere matter of form. The first reading was not objected to, and the second was going on when the objection arose. All I ask is, to be put in the same position in which I was before. I believe the Chancellor of the Exchequer said he would not oppose the second reading of the Bill.

Mr. F. MAULE. — Sir, the question seems to turn upon this point. If it be a rule that dropped notices are not to come on without the sanction of the House, the Honourable Member ought to give further notice. I have no objection to place him in his former position; but the Honourable Member must not consider me as pledging myself to support the measure by so doing.

Motion agreed to; House in committee.

1. Resolved, That the annual duty of 3*l.* 3*s.*, now payable upon every excise licence to be taken out by any person for selling, by retail, beer to be drunk or consumed upon the premises where sold, shall cease, and that in lieu thereof there shall be paid an annual excise duty of 5*l.*

2. Resolved, That it is expedient to alter and amend the laws relating to the sale of beer.

The House resumed; resolutions to be reported on Monday next.

LEAVE OF ABSENCE.

To SIR DENHAM NORREYS, one month, — urgent business.

GRAMMAR SCHOOLS BILL.

Second reading deferred from Wednesday next till Wednesday, the 4th of March.

PAPERS, RETURNS, &c.

Bankruptcy Court. — Annual account (presented 19th February).—To be printed.

Charities. — Copy presented — of Thirty-second Report (Part 6.) of the Commissioners (by command). — To lie on the table.

British Guiana. — Return presented, — of Reports from, or despatches to, the Governor of British Guiana, respecting the Hill Coolies introduced into that colony (Address 18th February). — To lie on the table, and to be printed.

Merchant Seamen. — Returns presented — of apprenticed seamen registered under the Act 5 and 6 Will. IV. c. 19.; and of registered seamen serving in British vessels (ordered 14th February). — To lie on the table.

Trade and Navigation. — Annual accounts presented (by command). — To lie on the table.

Factories. — Copies presented — of Reports of Inspectors of Factories for the half year ending 31st December, 1839 (by command). — To lie on the table.

Metropolitan Police. — Return presented — of number of men serving on 1st January, 1840 (by Act). — To lie on the table.

Poor Law Amendment Act. — Copy presented — of General Order of the Poor Law Commissioners, relative to outdoor relief (by Act).—To lie on the table.

Adjourned, at a quarter after one o'clock, till Monday next.

HOUSE OF LORDS, Lunæ, 24° die Februarii, 1840.

APPEALS.

De Montmorency *v.* Devereux. — Further heard, and adjourned till to-morrow.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company. — Adjourned till to-morrow.

Dill *v.* the Earl of Haddington. — Leave for a recognisance to be entered into for the appellant.

M'Can *v.* O'Farrell, *et è contra.* — Cross appeal set down for hearing *ex parte*, as to certain of the respondents.

Carrick *v.* Buchanan. — Set down for hearing *ex parte.*

Roe, lessee of Lord Trimlestown *v.* Kemmis (writ of error). — The Lord Chancellor acquainted the House that the clerk of the Parliaments had received by post, from the clerk of the errors of the Court of Exchequer Chamber in Ireland, this writ of error. — The same was ordered to lie on the table.

COMMISSION.

The following Bill received the Royal assent: — Transfer of Aids.

RATED INHABITANTS EVIDENCE BILL. — FRIVOLOUS SUITS ACT AMENDMENT BILL.

Second reading (which stood appointed for this day) put off to Thursday next.

SELECT COMMITTEE ON THE SUPPLY OF WATER TO THE METROPOLIS.

On the motion of the Marquess of Westminster, the Report of the Commissioners on the State of the Supply of Water in the Metropolis, dated 21st of April, 1828, was referred to the Committee of the present Session.

Evidence taken before the Committee from time to time to be printed, for the use of the Members of this House; but no copies to be delivered, except to the members of the Committee, until further order.

SOCIALISM.

The Earl of Shaftesbury presented a petition complaining of the alarming progress of the system, and praying for the adoption of measures for the protection of morality and religion, — of inhabitants of Romsey. — Read, and ordered to lie on the table.

Also, a petition presented by Lord Abinger, of the British and Foreign Seamen and Soldiers' Friend Society and Bethel Union, convened in the Mariners' Church, Wellclose Square. — Read, and ordered to be received as the petition of the persons who, only, have signed it.

SCOTCH CHURCH PATRONAGE.

The Marquess of Bute and the Earl of Aberdeen presented petitions in favour of the principle of non-intrusion, — of the minister, elders, and others of Liberton; St. Peter's, Glasgow; and St. David's, Glasgow: of members of the Church Session of the parish of Fraserburgh: of inhabitants of Fordoun; Gairloch; Collessie; Dumbarton; Dunlop; Woodside; Cumbray; Kilmarnock; Ayr, Newton, and Wallacetown; Carmylie; New Monkland; Edzell; South Kirriemuir; Dalmellington; and Kippen; and of female inhabitants of South Kirremuir. — Read, and ordered to lie on the table.

CHURCH RATES.

Petition praying for the release of John Thorogood, and for the abolition of church rates, and of the criminal jurisdiction of the ecclesiastical courts, — of inhabitants of Rothwell. — Read, and ordered to lie on the table.

CORN LAWS.

The MARQUESS of NORMANBY presented a petition for the repeal of, — of electors and non-electors resident in the borough of Marylebone. — Read, and ordered to lie on the table.

SHAFTESBURY CHARITIES.

The MARQUESS of WESTMINSTER presented a petition of Bevan Rake, William Burridge, and others, trustees of said charities, praying for the adoption of some measure to remedy certain defects in the law respecting said charities. The Noble Marquess, on presenting this petition, said: — This is a petition to which I beg the particular attention of the Noble and Learned Lord on the woolsack. The petitioners complain that the expense of appointing trustees under the Municipal Corporation Act is more than the funds of the charities can bear, and they therefore pray for some measure of relief.

The LORD CHANCELLOR. — I admit that the grievance complained of is one which deserves the serious consideration of the Legislature. The subject, however, is attended with considerable difficulty, as regards the views which are entertained amongst the parties in whom the power over the charity estate is vested; for, although the greater number of them may desire some alteration of the law, yet, before that can be effected, it is necessary to have the concurrence of all. If any mode present itself to me by which the difficulty can be overcome and the grievance removed, I shall feel it my duty to bring it immediately under the consideration of your Lordships.

Ordered to lie on the table.

OCCUPATION OF KING'S ISLET BY FRANCE.

The MARQUESS of LONDONDERRY. — Seeing the Noble Viscount at the head of the Government in his place, I am desirous of asking him a question respecting what is called "the temporary occupation," by the French, of King's Islet, near Minorca and Port Mahon. When, on a former occasion, an inquiry was made relative to this point, the Noble Viscount said he was quite assured that the papers which would be laid before your Lordships would be found to give a perfectly satisfactory explanation. Now, I must declare that those papers are not at all satisfactory to me; and to show why they are not, I beg leave to refer to the despatch (No. 4.) from Sir George Villiers to Viscount Palmerston, dated November 4. 1837. It is there stated, —

> A Report of the Committee of State on the occupation of the King's Islet, in Port Mahon, by the French, has been read, and was approved without discussion. The proposition on which the Report was founded was to the effect that the measure adopted by the Government with respect to this island should be suspended; and the Committee declare, that they have observed with the greatest regret the steps that have been taken by the Government on the subject. It appears, the Committee state, that the French have for some time rented the island from the local authorities as a depôt for coal, and as it is now likely to be more necessary to them than ever, on account of their occupation of a portion of the coast of Africa, the French ambassador at this court received instructions from his Government to apply to the Government of Her Catholic Majesty for the use of the buildings on the island for a fixed period. The Government consulted the authorities of the island, and, although their report was unanimously against acceding to the request, it was granted by the Government, on account of its being politically convenient not to deny this favour to an ally, when, on the other hand, the inconvenience attending the refusal of it were taken into consideration. The French Government were, therefore, permitted to hold the premises in question for the term of two years, renewable at pleasure, for the annual rent of 300 reals (3*l.*). After having heard the Minister of State, and although extremely desirous of manifesting a sincere wish to maintain the most friendly relations with France, the Committee, nevertheless, advised the Chamber to offer to the French Government the best buildings on the island of Minorca itself, which may be adapted for the objects in view, instead of the spot called King's Islet, by which proceeding, they state, the wants of the French vessels of war, will be consulted, and the national anxiety on the subject tranquillised.

Now there is, in my opinion, a great deal of difference between occupying houses and barns situated on the island of Minorca, and occupying King's Islet, in the centre of Port Mahon. Looking to the last letter, dated January 16. 1840 (received February 6. 1840), from Mr. Gaynor, the British vice-consul at Port Mahon, to Viscount Palmerston, on this subject, I find that it merely states that —

> Since the departure of Consul Lieutenant Colonel C. L. Fitzgerald, nothing has occurred worthy of remark, except the renewal of the lease, by the Spanish to the French Government, for two years, of the King's or Hospital Island, situate in the centre of this port, with its hospital and its appurtenances, at a monthly rent of sixteen dollars, with the reserve, in case Spain should not have occasion for it.

It is to be observed, that not a single reason has been given why the buildings and barns on the island of Minorca were not appropriated instead of this islet. I believe that any person who is acquainted with the position of this islet will say, that *if* our late powerful rivals, the French, are to have possession of it for two years, unless they be absolutely prohibited from erecting fortifications, they may make it so formidable a post, that, if we ever return (as is by no means impossible, although God forbid it!) to a war with France (in which case, I have no doubt that the waters of the Mediterranean would be the scene of conflict), it will be found to operate injuriously to our interests in that quarter. I cannot, therefore, avoid looking with jealousy at their occupation of an island in the centre of Port Mahon. I wish, consequently, to know whether any communication has taken place explaining the reason why buildings and outhouses on the island of Minorca were not given up to the French, instead of a separate island? The subject is very important, and unless some very satisfactory explanation be given, I shall, on some future day, propose a motion with reference to it.

The EARL of CLARENDON. — I do not see, my Lords, what right the British Government has to ask the Spanish Government its reasons for not having adopted a resolution of a committee of the Cortes. This, amongst other matters in that committee, was made use of, to excite great opposition against the Government. The lease having been granted long before, the Spanish Government saw no reason to rescind it. The warehouse and hospital, so leased, belonged first to the United States, and were in a strange manner handed over by the Spanish Government to the French, who wished to keep it as a depôt for coal; and there was no reason for refusing it to them for that purpose, on the same terms as the American Government had held them. There is, moreover, a clause in the first lease, which stipulates that the French shall not exceed the authority exercised by the previous occupiers of the island; and in the lease now granted to them for two years there is a similar stipulation; besides which, they are only to hold the station in the event of the Spanish Government not wanting it for their own use. Inquiry has been made of the French Government as to what are their intentions respecting the place. The answer given by Count Molé was, that they merely wished to use it as a coal depôt; and it appears to me that there can be no objection to their using it for that purpose. The French Government will not be able to fortify the island more than the main land, if they are even desirous of so doing; but I believe their intentions, as declared by themselves, with regard to it, are solely directed to commercial purposes, and that they only wish to turn it into a convenient coal depôt, for the use of their steamers.

The EARL of ABERDEEN. — My Lords, this matter is one of considerable importance. It is not the first time the French have endeavoured to establish a footing in the island. They requested permission to place a depôt there ten years ago, but the Spanish Government then refused to allow the French to form any such establishment. The Noble Earl has stated that the matter has excited a great deal of alarm and of interest in Spain. Those feelings, in my opinion, are very natural. The Noble Earl has also stated, that the Opposition in the Cortes have taken up the question. Surely, it is very natural that they should do so, and I am afraid that the Opposition in this House will also find it necessary to take it up, in order to show that it is a matter which may lead to very serious consequences. TheCortes' committee recommended that if the French formed an establishment of the kind, it should be on the main land, where they would be more under the control of the Spanish Government, which might prevent them from erecting such works as at a future period might become formidable. The Noble Earl, however, says that it is a temporary agreement, and he asks, what right have we to interfere with the distribution of any portion of the Spanish territories? I answer, that we claim that right for the best of all possible reasons — for the security of our position in the Mediterranean. Our interest there renders it imperative on us to interfere. I conceive that we have a right to complain, not that the French Government have placed themselves in this situation, but that the Spanish Government have given to France this facility for forming an establishment which may seriously affect the interests of this country. The Noble Earl has not told us that by the terms of the lease the French are prohibited from strengthening themselves on the island, — which is a very important point. If it can be shown that the French mean only to have a depôt for coal, or an hospital for the sick, on the island (it being strictly provided that they shall not convert it into a post of strength), the matter will then assume a different aspect. But, unless the Noble Earl declares that they are positively prevented from erecting any buildings that shall partake of the character of barracks, or have a hostile appearance,— unless he shows that it is impossible for them to construct any buildings on that island which may be available to them in military operations,— in that case the objection to the continuance of the French there becomes exceedingly strong. Considering all that has taken place in that part of the world, and its vicinity, no one can be surprised that there should be some degree of anxiety felt in this country on the subject.

LORD ELLENBOROUGH.—Can the Noble Earl say whether the French have erected any building on the island besides depôts and hospitals, and whether any persons are admitted into them who are not strictly invalids?

The EARL of CLARENDON.—I am not aware that the French have erected any other; but I feel perfectly convinced of the fact that the Spanish Government would not allow the erection of any building, whatever, of a military character. The Noble Earl has stated that the Spanish Government refused to lease the island to France.

The EARL of ABERDEEN.—In 1830.

The EARL of CLARENDON.—I believe that about 1830 the American Government handed the island over to France; and very shortly after the taking of Algiers the French turned it into a coal depôt. They have now held it for several years, but only as a coal depôt. I believe that there are none but invalids there; and I know that there has never been more than one sloop of war at any time near the island.

The EARL of ABERDEEN.—The Noble Earl is mistaken. The United States were in possession of the island in 1830, and it was in 1833, I think, that they transferred it to the French.

LORD ELLENBOROUGH.—If it appear that no new buildings have been erected, and no ulterior objects attempted, by the French, I think their end may be considered as innocent.

The EARL of CLARENDON.—I have not a doubt about it.

LORD ELLENBOROUGH.—But I am not sure of it. I am not satisfied with the Noble Earl's answer, and I am surprised that the Noble Earl did not, at the time, make proper inquiries upon these points.

The EARL of CLARENDON.—I beg to say that I did make inquiries upon these points, and I was told, distinctly, that since the French have occupied the island no individuals have appeared there, except a few to receive coals: and, as I have said before, there has been but one French sloop of war on the station.

VISCOUNT MELBOURNE.—I do not know that we could have prevented the French from establishing themselves on the island, with the concurrence of the Spanish Government. If the French were endeavouring to settle themselves in the island of Minorca, I think the jealousy of this House and of the country might fairly be excited; but I do not believe that any such attempt has been made, or is contemplated. I cannot see any great difference between their occupation of the island, and their having a part of the main land. In my opinion the French have no ulterior objects in view; and, certainly, if they entertain any such, they have acquired no very great facilities for carrying them into effect.

CLAIMS OF THE SPANISH LEGION.

The MARQUESS of LONDONDERRY.—I now rise to address your Lordships on another question, to which I meant to have called your attention on Friday evening, had not the House risen so early. Though it may, therefore, be somewhat irregular, I solicit the indulgence of your Lordships to dispense with the formality of another notice, and to permit me to make a few remarks in reference to the claims which the British Auxiliary Legion have on the Spanish Government—claims which, up to this hour, remain unsettled. I can assure your Lordships that I am not about to make any attack upon Her Majesty's Government.

[Laughter from the Ministerial benches.]

I think they must have had enough of attacks—attacks sufficient to sicken, nay, to kill, half a dozen Governments.

[Renewed laughter.]

The Noble Viscount may laugh; but I will tell the Noble Viscount that when the French Ministers were recently left in a minority of 26, they, acting on a point of honour, declined to carry on the government; but the Noble Viscount and his colleagues, notwithstanding that they have been beaten on one question by a majority of 104, and on another by a majority of 10, still continue in their most ignoble position of stedfastly adhering to place and pay, although they must feel that the Right Honourable Baronet the Member for Tamworth and his friends ought to fill the situations now held by the Noble Viscount and his colleagues. Having said this, which I was only induced to do by the manner of the Noble Viscount, I shall now return to the subject to which I wished to call your Lordships' attention. I have recently received several letters from parties who have belonged to the Spanish Legion, and who are suffering greatly in consequence of the non-settlement of their claims by the Spanish Government. One of them writes to me thus: —

> As I perceive you are shortly to bring the affairs of Spain before the House of Lords, I trust your Lordship will not allow the opportunity to pass without inquiring of the Government whether there is any chance of the claims of the unfortunate men who served in the British Auxiliary Legion being liquidated. There is above 200*l.* due to me on account of those claims, which would be a great relief to me, as I have been much distressed in consequence of the delay. Your Lordship's exertions towards effecting an arrangement will ever oblige your Lordship's humble servant.

The date of this letter is the 14th of February, 1840, and the address, 54. William Street, Dublin. This shows, at least, that I am no volunteer in the cause. Now, the claims of these men were admitted even by the Noble Lord opposite, when ambassador at Madrid, and a Commission was appointed at St. Sebastian to consider the best steps to be taken for satisfying them. In May, 1837, a communication was received by General Evans from Lord Clarendon, our ambassador at Madrid, stating that his intervention had been recognised by the Spanish Government, and that he hoped his countrymen would consider this an additional guarantee that their arrears would be paid. Their claims were also admitted by Colonel Wylde. In the last Session I charged the Government with being privy to the convention which Colonel Wylde had entered into, relative to the payment of these claims. At that time, the Noble Viscount denied that the Gallant Colonel had any authority to act on behalf of the British Government. Colonel Wylde is now in this country; and I call upon him, from this place, to say whether he did or did not act with the authority of the Government, and whether the Government sanctioned his declaration that all the claims should be fully paid up? If he did not act with the authority of the Government, his conduct was most reprehensible; and if he had that authority for so acting, in what way can the Government of the Noble Viscount opposite get out of the obligation of forcing the Spanish Government to pay to these brave men, who are now wandering about the streets, without the means of subsistence, the full amount of their claims? Colonel Wylde, the British Commissioner, arrived in St. Sebastian previous to June 10. 1837, and signed warrants for the issue of pay, and on the 10th of June issued the following order: —

> The officers of the British Auxiliary Legion, whose term of service expires this day, will be entitled to billets, pay, and rations, until they are settled with, and vessels provided to convey them to England.
>
> (Signed) W. Wylde, Colonel.

That was upon the breaking up of the first legion. It also appears, that at a public meeting of officers in San Sebastian, Colonel Wylde said that he stood before them in a twofold capacity, — namely, as "a Commissioner from the Queen of England, and as a Commissioner from the Queen of Spain," and that he was authorised by her Britannic Majesty's minister at Madrid to pledge himself that a portion of pay should be issued before they left Spain, and that they should receive good bills for the remainder. Colonel Wylde and Brigadier-General Tena afterwards gave to each paymaster a warrant to estimate for, and pay, their officers to the day when their arrears should be settled in good bills or cash. A similar warrant was also given to Deputy Commissary General Black for the payment of officers of the staff, &c. In consequence of these assurances, a number of officers and men were induced to enter the new legion, the conditions of service for which were also signed by Colonel Wylde.

Here is the positive declaration of Colonel Wylde, and the guarantee, also, of the Noble Earl; but neither pledge has been redeemed. The Noble Lord the Secretary for Foreign Affairs is reported to have said, in another place, that though the British claims on the Portuguese Government are not so strong as those of the legion officers on Spain, still if the Portuguese Government refuse to satisfy the claims awarded by a British and Portuguese Commissioner, he certainly will enforce satisfaction. Now, what is 280,000*l.* or 300,000*l.* to the Spanish Government? It is true that their finances may be in a state of difficulty; but will any one tell me that this country might not, by some financial arrangement with Spain, render valuable those securities which have been given to the legion, and which are at present worthless? Why cannot those assignats or certificates be given in payment for duties? Why might they not be made available through some commercial channel, if the Government chose to do so? Why might not 300,000*l*. be received by some plan of this nature for those unfortunate men, who are now suffering the deepest distress, and who can plead that they have the guarantee both of the Noble Earl and of Colonel Wylde, that their just claims would be fairly met and settled? What have they got? Nothing but the bad notes or assignats, as they are called, of General Alava, which are now at a discount of 25 per cent. The Jews have been busily engaged in buying them up; and though I will not say that members of the Spanish mission have been engaged in such a traffic, I cannot, and will not, conceal from your Lordships, that a report to that effect is current. I call upon your Lordships to look at the mode in which the Foreign Office has disposed of the superior officers of the legion, in order to get rid of their importunities. I have got a list of the officers who have served in the legion, and subsequently obtained promotion in the British army, and a very curious list it is. Your Lordships will hardly believe that out of the officers who have served in the British Auxilary Legion, 56 have either been promoted in the army by the Horse Guards, over the heads of older officers in India and elsewhere, or have been provided for in the civil service of the country, — no doubt upon there commendation of the Foreign Office. I shall read some of them for your Lordships.

Sir De Lacy Evans, Lieut.-General, made a K.C.B.

Evans, Brigadier-General, appointed Military Secretary to the Governor of Madras.

M'Dougal, Sir Duncan, Brigadier-General, knighted.

Shaw, Sir Charles, Brigadier-General, knighted, and made Commissioner of Police for Manchester.

Le Merchant, Sir J. G., knighted, and appointed to command a British regiment.

Chichester, Brigadier-General, appointed to the command of a British regiment.

Fitzgerald, Brigadier-General, appointed consul at Carthagena.

O'Connell, Brigadier-General, Military Secretary, New South Wales.

Jochmus, Brigadier-General, employed on secret service in Turkey.

Reid, Brigadier-General, Governor of Bermuda.

Colquhoun, Lieut.-Colonel, from Second Captain of Artillery to a Lieutenant-Colonelcy.

Boyd, Lieut.-Colonel, Majority 38th Regiment.

Ibbetson, Assistant Commissary-General, made Assistant Commissary-General British Service.

Hicks, Colonel, made Barrack-Master.

Wetherall, Colonel, appointed Commissioner of Police in Canada.

Wakefield, Colonel, appointed Lieutenant-Governor of New Zealand.

Swan, Colonel, employed on a particular service in Canada.

Rottenberg, Baron de, ditto ditto.

Johnson, Captain, made Queen's Messenger.

Browne, Captain, appointed clerk in the Foreign Office.

Hoseason, Mr. C. C., appointed clerk in the Colonial Office.

Considine, Lieut.-Colonel, appointed Military Secretary, West Indies.

Wylde, Colonel, C.B., made full Colonel, and appointed Equerry to his Royal Highness Prince Albert; his son made clerk in the Foreign Office.

Now, it is a serious question, when one sees so many officers of this service promoted in the British army; and men cannot help asking themselves whether Ministers have not given them promotion to get rid of their importunities. If they have not done so, they have contrived very badly in providing for all the officers, and in abandoning all the men. A Commission, it is true, was appointed to examine into their claims; but the very first measure it took was to close it by fixing a certain time, after which it would receive no claims. Yes, they issued a statement that all claims not sent in by a certain time (I believe the 9th of September), would not be admitted. They did not, however, give any public notice of this their intention, either in Ireland or in Scotland, or in any other more distant parts of the British empire, where these unfortunate men or their relatives may happen to be residing. I am surprised that such public notice was not given by some of the superior officers connected with the legion. The Commission, however, sat for some time; but I am given to understand that not less than 3000 certificates are still wanting by the men. Here I would beg leave to call the attention of your Lordships to the conduct of the Commission. As I have been informed, contracts were agreed, to or broken, as suited the purposes of the Commission; medical certificates were refused and granted without sufficient grounds; pensions were refused to some officers who were entitled to them under the British regulations, and allowed to others who had no right to them; the decision of the War Office was not given on the claims until it had been extracted by dread of public exposure; gratuities were denied to several officers, who had done good service, while they were given to others who had either retired or had been dismissed from the legion. Such are the representations which have been made to me; and I believe the real truth of the circumstances to be, that these unfortunate men are kept out of their money by the base manœuvring of the Spanish Government, through Spanish agents in this country. I hope the Noble Viscount or the Noble Earl opposite will feel it to be his duty to bring this question to a direct issue; and if, in a short time, I do not see a prospect of immediate justice being done to these claimants, I shall, soon after the recess, move an Address to Her Majesty, praying that she will take measures with the Spanish Government to have these claims adjusted. I have now to move that an humble Address be presented to Her Majesty, for "a copy of any arrangement that has been made by the Spanish Commission, with the sanction of Lord Palmerston, respecting the outstanding claims of officers and men, not presented before the 30th of September, 1839." And, also, for a "Return of the decisions of the War Office respecting pensions and compensations granted to wounded officers, late of the legion." Before I sit down, I wish to ask the Noble Earl opposite whether any arrangement has been made on the subject to which my motion refers with the Spanish Government; and, if not, whether it is the intention of her Majesty's Ministers to propose to that Government any mode of arranging these claims?

The EARL of CLARENDON.—My Lords, I think it must be very satisfactory to these unfortunate men, who have been so long and so unceasingly the objects of the keenest vituperations of the Noble Marquess, and on whose conduct he could not, formerly, bestow a single word of approbation, now to have become the objects of his warmest solicitude. Instead of entering into the wide field of observation into which the Noble Earl has directed his discursive march, I shall confine myself to the statement of a few facts, and more particularly to the refutation of the attack which the Noble Marquess has made upon myself, and upon the guarantee which the Noble Marquess has said I gave, when the men of the first legion were on the point of embarkation for England. As the representative of the British Government at the Court of Spain, I had no official right to interfere to procure the payment of individuals who had voluntarily enlisted themselves in the service of the Queen of Spain; but, as an Englishman having some influence at her court, it was impossible for me to remain passive to the necessities and wants of so many of my fellow countrymen. I therefore used my best exertions to obtain the fulfilment of those engagements into which the Spanish Government had entered with them; and I am happy to inform your Lordships that every claim which I brought forward was listened to, and, as far as was possible at the time, fulfilled; and that, under these circumstances, I wrote to General Evans, stating that, as the Spanish Government had accepted my intervention, I had no doubt that all the engagements which it had made with the men of his force would be performed. What was the consequence of that intervention on my part? That every soldier who went away was paid up to the time of his embarkation. All of them were paid, except 250 Lancers, as fully as if they had belonged to the British army. There were 3000 or 4000 men thus paid up. The noble Marquess laughs at that statement. Does he mean to deny it?

The MARQUESS of LONDONDERRY.—Push it further.

The EARL of CLARENDON.—Push it further! What does the Noble Earl mean by that? With respect to the fifty-six officers who have been appointed to various situations, and whose promotion the Noble Earl attributes to a desire on the part of Her Majesty's Government to get rid of their importunities, I have only to observe, that I cannot believe the Noble Lord to be serious in making the statement which he has offered upon that point. A great part of the officers whose promotion the Noble Marquess has attacked are personally unknown to me; I know them, however, by character, as some of the most distinguished in Her Majesty's service; and I hardly think your Lordships will sanction the idea, that because they engaged in a service of which the Noble Marquess did not approve, they are therefore to have a bar set against their further employment. I believe there is not one of those officers who has not distinguished himself greatly; and if they are taken individually, there is not one of them whose appointment is not defensible by the Government on its own special grounds. I should be glad to see the list which the Noble Lord has read, and to give him, in each particular case, an account of the reasons which led to each individual's promotion. With respect to one of the officers of the name of Colquhoun, whom the Noble Lord represented to have been appointed to a lieutenant-colonelcy in the British service, I happen to know that that officer only holds that rank, locally, so long as he continues at Lisbon. Then, with respect to the assertion, that the claims of the soldiers have not been paid, I must observe, that they have received the whole of their pay, and that every farthing to which they were entitled, as pay, has been given to them, just as if they had been serving in the British army. The Noble Marquess shakes his head; it is very easy to do that, but can the Noble Marquess disprove my statement? It is true that the soldiers have not yet received their gratuities; and there are more reasons than the inability of the Spanish Government to account for the non-settlement of those gratuities. It took a considerable time to examine and audit the accounts, which are of a very complicated character. I state with confidence that the Spanish Government proceeded in the examination and audit of those accounts with the most complete good faith; and I think that when the Noble Lord calmly reads over his remarks of this evening, he will regret deeply having said that the members of the Spanish mission have been concerned in discounting the certificates granted to the soldiers of the legion, and will also regret having brought against the Spanish Government a charge of insincerity and fraud. With respect to the Commission, and the notice which it has given, I will now proceed to make a very short statement, and inform the House of what that Commission has done. It was appointed in November, 1838, and was engaged for nine or ten months in its labours, during which time the claims of 3000 men were examined into, and nearly as many certificates granted. At the end of that time it was thought that no more claims would be brought forward, and the Commissioners, in order to save the expense of keeping the Commission open, expressed an opinion that the Commission ought to be closed. They therefore published a notice in August, 1839, stating that, after a month from the date thereof, no fresh claims would be received. Was there any secrecy in that? The fact is, that the notice was published in all the newspapers at the time, and was publicly posted up in all the towns where the men of the legion had been first enlisted. It was afterwards stated in another place, by my Noble Friend the Secretary of State for Foreign Affairs, that, as the notice up to the 15th of September was not considered sufficient, fifteen days more would be granted; and, ultimately, the notice was extended to the 30th of September, 1839. It was furthermore stated, that as there were some claims into which inquiry could not be made in Spain, conveniently to the claimants, inquiry into them should be instituted in London. Now, to that arrangement none of the superior officers of the legion offered, on behalf of their men, the slightest objection. Perhaps it may be convenient, as this discussion will go abroad, to state how that Commission was composed. It was composed of one individual, a gentleman of high character, selected by the legion itself, and possessing its entire confidence, who had been substituted for another gentleman, of whose proceedings the legion did not approve, and to whom, as a substitute for the former gentleman, the Spanish Government, though it might have objected, did not make any opposition. It was composed of another individual, appointed by the Spanish Government, a Spaniard, a gentleman of great respectability, long resident in London, and thoroughly conversant with our language, and with our mode of transacting business. The referees were men of the most unsullied honour and the most unblemished reputation, as I think your Lordships will admit when you hear that they were General Alava and Sir Robert Dundas. Every point on which they decided was submitted to the War Office, and was not made public until it had met the sanction of my Noble Friend the Secretary of State for Foreign Affairs. I contend that, such being the facts, no Commission was ever appointed that was more calculated to give satisfaction to all parties who had any concern with it. The Noble Marquess has said that he made inquiries into this subject. Will the Noble Marquess permit me to ask who the parties are of whom he has made inquiry? Are they persons worthy of credit? If the Noble Marquess had wished to obtain redress for the grievances of the claimants, would it not have been more natural for him to have gone, in the first place, to General Alava, or to Sir Robert Dundas? Such a course, however, would not have suited the purpose of the Noble Earl; yet such a course would undoubtedly have been much better than that of stigmatising men of character as parties guilty of fraud and insincerity. Had the Noble Earl pursued the course he ought to have pursued, he would have found that since the Commission gave notice that it would close its labours, 1000 certificates have been issued; and he would also have found that the Commission is not even yet closed; but that the most ample provision has been made — I will not merely say in the most just and honourable manner, but — in the most generous spirit, by the Spanish Government, for the liquidation of future claims, as might be naturally expected by all who are acquainted with the high and chivalrous character of General Alava. It may be as well for me to state, once for all, that there are certain individuals, with not much knowledge, but with a large infusion of the spirit of mischief, who, for the sake of their own paltry emoluments, are most anxious that the labours of this Commission should not be cut short. Now, if the Noble Lord's object be, to obtain for these claimants a redress of grievances, and not to make a mere statement of their sufferings, he will in future obtain his information from General Alava, rather than from the individuals to whom I have just alluded.

The MARQUESS of LONDONDERRY. — I beg leave, my Lords, to say a very few words in reply. I disclaim all intention of asserting that the employment of these officers in the service of the Queen of Spain is to be a bar to their promotion in the service of the Queen of England. As a military man, I should be sorry to make any such assertion. I sympathise with the sufferings of the men of the legion, because they have been the victims of the Noble Earl and the Noble Viscount opposite, who, as they seduced, so they ought to protect, them. I do not mean to deny that many of these officers have distinguished themselves in the ranks of the British army; but it is singular that no less than 56 officers should have been promoted for serving in the legion, — a number of promotions out of all proportion to its amount, when compared with the number of promotions granted to our officers in India, and in the other corps of the British army. The Noble Earl has stated that the pay of the legion has been granted; but he has been compelled to admit that the gratuities have not been. I cannot pretend to enter into all the details of this subject; but this I know, that no less a sum than 280,000*l.* is now due, and remains unpaid, to the men of the legion. The Noble Earl takes credit to himself for having obtained the pay of the legion by means of his guarantee; but he seems to have forgotten that his guarantee went not only to the pay, but to everything that was due to them in the service. Does the Noble Earl mean to assert that Colonel Wylde had no right to make the declaration that he would be responsible for the pay and gratuities of the officers? That is a question which the Noble Earl ought to have answered, but which he has not answered. The Noble Earl has also challenged my sources of information; and he has asked, "Why did you not go for information to General Alava, or to Sir Robert Dundas?" It might be very satisfactory to the Noble Earl to have me going to General Alava, whom the Noble Earl has got completely under his thumb; but if I had gone, what should I have got by it? General Alava, no doubt, would have received me very courteously and civilly; he would have been as kind and as pleasant to me in conversation as he was to the Spanish bondholders who went to him the other day for information as to the period when their dividend would be paid; and, like those unfortunate bondholders, I should have returned from the General just as wise as I went.

VISCOUNT MELBOURNE. — My Lords, in the few observations which I mean to address to your Lordships, I shall confine myself to the motion of the Noble Marquess, and to the questions which he has put. And, first, as to the arrangement of the time for receiving these claims. After sitting for a period of eight or nine months, the Commissioners announced, on the 6th of August, that it was their intention, upon the expiration of a month, to receive no more claims. Now, it is impossible that the business of any Commission could be carried on by any different sort of arrangement. Upon a reference being made to my Noble Friend the Secretary for Foreign Affairs, my Noble Friend said that he conceived the time to be too short, and the period was accordingly enlarged to the 30th of September. I apprehend that this part of the motion will merely state these well-known facts, and throw no new light upon the matter. Then the Noble Marquess asks for the decisions of the War Office. What he exactly means I don't know; but the facts are these: — My Noble Friend at the head of the Foreign

Department, at the request of the Commission, put to the Secretary of War what would be the decision in such cases, of wounds or pensions, in the British army? That I believe my Noble Friend has been in the habit of doing, for the information of the Commission. But such papers, I think, cannot be produced, or laid before the House; they are merely communications between the Secretary at War and the Secretary of State, for the purpose of assisting the Commission in its deliberations; they are not binding on the Commission, — they cannot be called decisions; and therefore I apprehend they are not the papers which the Noble Marquess is desirous of seeing. Then the Noble Marquess asks whether any arrangement has been made by the Spanish Government for the liquidation of these claims? No arrangement, I believe, has as yet been made. The Commission sat for some time, and settled a considerable amount of the claims; and, it is for the Spanish Government to find means for liquidating those claims. Then the Noble Marquess asks, what is the intention of the British Government, if the Spanish Government fails to make an arrangement? It is, my Lords, the intention of the British Government to use all fitting, proper, and discreet means, for the purpose of obtaining the settlement of the claims of these persons from the Spanish Goverment. It is impossible not to think that some allowance and indulgence ought to be made for that Government, having still to deal with a formidable civil war in the heart of the country. It is perfectly possible that many claims may be left unsatisfied till the termination of that war; but I must say that I do not doubt, in the least degree, the determination of the Spanish Government to satisfy these claims. Neither do I doubt that the British Government will take all fitting and proper steps to obtain justice for those who have unquestionably given the assistance of their services to Spain. This is the answer I have to give to the motion and questions of the Noble Marquess. With regard to the officers, some of whom have been promoted in the military, and some in the civil, service; I cannot say that I see much in the observations of the Noble Marquess. He mentioned the names of two officers of artillery who are serving in Her Majesty's army. They are two, I believe, as distinguished officers as there are in the service; and whether they had been in Spain, or not, they would naturally have been the first selected for employment in any part of Europe. It is impossible to set forth, at once, the reason of all these promotions; but of the list read by the Noble Marquess, I must be permitted to say, I never heard one which appeared to be more creditable to the Government.

The MARQUESS of LONDONDERRY. — As the Noble Viscount thinks fit to deny the production of those papers which have passed between the Secretary of State for Foreign Affairs and the War Office, I shall not, at present, press the matter further. But I beg to give notice, that, if nothing further be done in this matter, I shall feel it to be my duty, after Easter, to make it the subject of a motion for an humble Address to Her Majesty.

Motion, by leave, withdrawn.

PAPERS.

Copy of Commission appointing T. F. Elliot and Robert Torrens, Esquires, and the Honourable Edward E. Villiers, Land and Emigration Commissioners: Also,

Copy of the instructions addressed by Lord John Russell to the Land and Emigration Commissioners: And, also,

Copy of a Commission revoking the existing Commission of the South Australian Commissioners, and appointing Robert Torrens and T. F. Elliot, Esquires, and the Honourable Edward E. Villiers, Colonisation Commissioners for South Australia.

Delivered (pursuant to Address of Friday last), and to be printed.

Copy of despatch from Sir William Nicolay, of the 4th day of May, 1839, on the subject of free labour in the Mauritius: Also,

Copy of despatch from Sir William Nicolay, of the 21st day of May, 1839, transmitting a memorial from sundry inhabitants of the Mauritius, addressed to the Queen, praying the removal of restrictions upon the introduction of free labourers from India and elsewhere: And, also,

Copy of a letter from Mr. Barclay, of the 20th day of September, 1839, inclosing documents relative to the feeling of the inhabitants of the Mauritius, on the subject of the introduction of Indian labourers.

Delivered (pursuant to Address of Friday last), and to be printed.

Accounts relating to the trade and navigation of the United Kingdom, in the years ending the 5th of January, 1839, and the 5th of January, 1840.—Delivered (by command), and to be printed.

INDIA AND THE MAURITIUS.

The MARQUESS of LONDONDERRY.—Can the Noble Viscount say whether there is, in the correspondence he has just laid on the table, anything relating to the state of the Indians during their passage to the Mauritius?

VISCOUNT DUNCANNON.—I find very little; but any information that can be given on the subject, my Noble Friend at the head of the Colonial Office is most willing to supply.

CHINA.

LORD ELLENBOROUGH.—Perhaps the Noble Viscount (Viscount Melbourne) is prepared to answer the question I put to him on Friday night,—namely, whether any arrangement has been made between Her Majesty's Government and the Court of Directors of the East India Company, respecting the proportion of the expense to be borne by each in any expedition that may be projected to China?

VISCOUNT MELBOURNE.—No such arrangement has been made.

LORD ELLENBOROUGH.—I wish to know, further, whether any communication has taken place on the subject; and, if so, whether there will be any objection to its production?

VISCOUNT MELBOURNE.—No communication has taken place, except that the President of the Board of Control has informed the East India Company that it is not intended that any portion of the expense shall be borne by the Company.

AFRICAN TRADE.

VISCOUNT STRANGFORD.—I beg leave to give notice, that, on Friday next, I shall present a petition from certain merchants engaged in the African trade; and that, on that occasion, I will state to the House the course I mean to pursue in the following week, in the shape of a substantial motion on the general question.

RETURNS, PAPERS, &c.

Return (being a continuation of the Returns presented in 1836) of the number of causes, exceptions, further directions, pleas, and demurrers set down to be heard in and for, and of the number of decrees and orders made on hearing the same, in the years 1836, 1837, 1838, 1839, and to Hilary Term, 1840; distinguishing those set down and heard and disposed of at the Rolls from the others; and, since the establishment of the Vice Chancellor's Court, specifying how many of those set down before the Lord Chancellor have been heard in his court, and how many by the Vice Chancellor: Also,

Return of the number of causes, exceptions, further directions, pleas, and demurrers ready for hearing on the first day of each term, and also at the close of the sittings after each term, in each of the above years, before the Lord Chancellor: And, also,

Like Return as to those before the Master of the Rolls.

Delivered (pursuant to order of the 16th of January last), and ordered to lie on the table.

Account of the gross and net revenues of the duchy of Lancaster, for the year ending Michaelmas, 1839.—Delivered (pursuant to Act), and ordered to lie on the table.

Account of the additions to the Life Annuities in each of the years ending in January, 1836, 1837, 1838, 1839, and 1840, and of the stock surrendered in compensation for the same; and also of the amount of Life Annuities cancelled by death, or otherwise in each of the same years.—Delivered (pursuant to order of Monday last), and to be printed.

Statement of the funds of the museum of the late Sir John Soane, on the 5th of January, 1840.—Delivered (pursuant to Act), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and, being returned, Mr. Speaker reported the Royal Assent to — Transfer of Aids Bill.

PRIVATE BUSINESS.

Andover Road Bill.—Petitions against, —from owners and occupiers of lands and houses, &c. of Church Oakley, Deane, and Ashe; and Basingstoke. — To lie on the table.

Banff Municipal Police and Harbour. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Morton Carr Drainage. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Stafford's Patent. — Petition for leave to present a petition for a Bill.

Belfast and Cave Hill Railway. — Petition for additional provision.

Belfast Waterworks (No. 1.).—Petition of John Wallace, complaining of non-compliance with the Standing Orders.

The above petitions were severally referred to the Select Committee on Petitions for Private Bills.

Chester and Crewe and Grand Junction Railways Consolidation Bill. — Petition of Joseph Baxendale, against. — Referred to the Committee on the Bill; counsel ordered.

Edinburgh Market and Petty Customs Bill. — Petitions against, — from provost, magistrates, and town council of Leith.— To lie on the table. Also,

Petition of James Haig and Son. — Referred to the Committee on the Bill; counsel ordered.

Strood Church. — Petition for Bill reported, and Bill ordered to be brought in by Mr. Bernal and Mr. Hobhouse.

Dean Forest Railway. — Petition for Bill reported, and Bill ordered to be brought in by Mr. Grantley Berkeley and Mr. Hale.

The following Bills were respectively presented; read a first time, and ordered to be read a second time.

Newton Abbot, &c. Small Debts Bill, — "For the more easy and speedy Recovery of Small Debts within the Township of Newton Abbot, and other Townships, Parishes, and Places, all in the County of Devon."

Scottish Widows' Fund Bill, — "To enable the Scottish Widows' Fund and Life Assurance Society to sue and be sued, and for other Purposes relating to the said Society."

Stamford Improvement Bill, — "For paving, cleansing, lighting, and improving the Borough of Stamford, in the Counties of Lincoln and Northampton."

Dronfield Inclosure Bill, — "For inclosing Lands in the Manor of Dronfield, in the County of Derby."

Kirkcudbright Roads Bill, — "For making and maintaining certain Turnpike Roads in the Stewartry of Kirkcudbright, and the other Highways, Bridges, and Ferries therein; and for more effectually converting into Money the Statute Labour in the said Stewartry."

The following Bills were read a second time, and committed, as under: —

Liverpool East India Warehouse Company Bill, — To Lord Viscount Sandon and the South Lancaster list.

Greenock Improvement Bill, — To Mr. Wallace and the South Scotland list.

Manchester and Salford Junction Canal Bill, — To Mr. Mark Philips and the South Lancaster list.

Hereford Improvement Bill, — To Mr. Bolton Clive and the Hereford list.

Weston super Mare Road Bill, — To

Mr. GORE LANGTON and the East Somerset list.

Fiers' Naturalisation Bill, — To Mr. BROTHERTON and the South Lancaster list.

Warminster Roads Bill,—To Mr. BENETT and the North Wilts list.

Lancaster and Preston Junction Railway Act Amendment Bill; Chester and Birkenhead Railway Bill. — Severally reported; Reports to lie on the table, and to be printed.

Chard Canal Bill. — Reported; to be engrossed.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That, in the case of the Greenhill and Eckington Road petition, the parties be permitted to proceed with their Bill.

2. That, in the case of the Clyde Navigation petition, the parties be permitted to proceed with their Bill.

3. That, in the case of the Northern and Eastern Railway petition, the parties be permitted to proceed with their Bill, with the exception of such part as gives them power to make deviations from their original line; and that the Committee on the Bill do examine, in the first place, how far such order has been complied with; and do report the same to the House on the Report of the Bill.

4. That, in the case of the London and Greenwich Railway Enlargement and Station petition, the Standing Orders ought not to be dispensed with.

5. That, in the case of the Dublin and Drogheda Railway petition, the Standing Orders ought not to be dispensed with.

6. That, in the case of the Kingston upon Hull Docks (No. 2.) petition, the Standing Orders ought not to be dispensed with.

7. That, in the case of the Norwich Improvement petition, the parties be permitted to proceed with their Bill.

8. That, in the case of the Wexford Harbour and Embankment petition, the Standing Orders ought not to be dispensed with.

9. That, in the case of the Glasgow Waterworks petition, the Standing Orders ought not to be dispensed with.

10. That, in the case of the Upper Heyford Inclosure petition, the Standing Orders ought not to be dispensed with.

First, second, third, and seventh resolutions agreed to. — Report to lie on the table.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely, —

Poor Law Amendment Act, — By Mr. W. COWPER, —for amendment, and for the establishment of district schools, — from Hertford union; and city of Gloucester.

Church Patronage (Scotland), — By CAPTAIN WEMYSS, SIR G. CLERK, Mr. BANNERMAN, Mr. F. MAULE, SIR W. RAE, SIR J. GRAHAM, LORD DALMENY, Mr. COLQUHOUN (sixteen petitions), LORD J. RUSSELL, and other Honourable Members, for the settlement of the law, and against the intrusion of unacceptable ministers, — from Leuchars; Collessie; Dairsie; Cruik; Ceres; Milton of Balgonie; Mauchline; Legerwood; Cumbray; Edinkillie; Greenlaw; Kemback; Carmylie; Rayne; Kirriemuir (two petitions); Lochee; Strontian; St. Cyrus; Dunfermline; St. Peter's, Glasgow; Bridgeton; West Kilbryde; Brydekirk; Ayr Presbytery; Sorn; Auchinleck; Lochwinnoch; Largs; Belnahuay; Dunlop; Bernera; Kilbrandon; Lochbroom; Stewarton; Fairlie; Anstruther Wester; Eastwood; Dumbarton; Drumelzier; Midmar; Kilmarnock; Tongue Presbytery; Liberton (two petitions); Duthil; East Kilbride; Forres Presbytery; Dyke; South Parish, Aberdeen; Woodside; Union Parish, Aberdeen (two petitions); St. Clements, Aberdeen; Bon Accord, Aberdeen; East Parish, Aberdeen; and Grey Friars Parish, Aberdeen.

Petition from Rothes, in support of the present law.

Corn Laws, — By CAPTAIN WEMYSS, Mr. EWART, and another Honourable Member, for repeal, — from Abdie and Dunbag; Sabden; Kingtson upon Hull; Halshimoor; and Harpurhey.

Copyright Bill, — By Mr. BANNERMAN, — of William Bradbury and others, against.

Church Rates, — By Mr. TOWNLEY, Mr. HURST, Mr. BAINES, COLONEL SALWEY, Mr. T. DUNCOMBE, and Mr. BROTHERTON, — for abolition, and for the release of John Thorogood, and reform of ecclesiastical courts, — from Thurlstone; Huddersfield (six petitions); Morpeth; Aberdeen; Kelvedon; Mirfield; Horsham; Mellham; and Holmfirth.

Church of England, — By LORD VIScount Sandon and Mr. Liddell, for extension,—from Worplesdon; St. Peter Cheesehill, Winchester; Blendworth; Crondall; Newton Valence; Kirk Hammerton; Wilstrop; Green Hammerton; Arkendale; Burton Leonard; Deanery of Ripon; Deanery of Tegengle; Overton; Brooke and Mottestone; West Cowes; Patney; Marden; Chirton; Southbroom; Sanderstead; Winkfield; Ebrington; Yetminster; Llancarvon; Llandaff; Penmark; St. Athan; Bonvilstone; Whitchurch (Glamorgan); Lantwit Major; Wigan; and Tredington.

East India Produce, — By Mr. Crawford and Lord Viscount Sandon, for equalising the duties thereon,—from the Committee of the London, East India, and China Association; and Chairman of the Liverpool East India Association.

Maynooth College, — By Mr. Fector, Mr. Ormsby Gore, and Mr. Liddell, against further grant, — from Blendworth; Hawkedon, &c.; Penley; Wigan; Abergele; and Ellesmere.

Newport Riots,—By Sir James Duke, for free pardon of Frost, Williams, and Jones, — from Kingston upon Hull (chairman of a meeting); and Boston.

Printed Papers, — By Mr. Alderman Thompson, Mr. Alderman Copeland, and Mr. Liddell, for liberation of the Sheriff of Middlesex, — from Dowgate Ward, London; Bishopsgate Ward, London; and Stockton upon Tees.

Medical Profession, — By Mr. H. T. Hope, — from Gloucester, praying that better medical attendance may be provided for the poor.

Elective Franchise, &c. (Ireland), — By Mr. O'Connell, for extension of the franchise and municipal reform,—from Tydavenet; Clones East; Kilmainhamwood; Rathconnell; Taghmon; Cloyne; Staplestown; Moylough, Minla and Aghiart; St. Bridget, Dublin; Killearn and Aughadoey; Charleville; Ulla; Ballymacnabb; Solohead; Anna; Crosspatrick; Ballyscullion; Courcies and Ballinadee; Arklow; Killaderry; Finglass and St. Margaret's, Dublin; Annaghlone and Drumballyroney; Templemore; Killorglin; Abbey, &c.; Cappagh; Templemichael; Killeen; Lower Ards; Gorey; Ballymachugh and Drumlamman; Yaunagh; and Maybologue.

Flour Importation (Ireland) Bill,—By Mr. O'Connell, — of Ebenezer Shackleton, in favour.

Inland Warehousing, — By Mr. Brotherton, — from the corporation of Clitheroe, for granting to Manchester and Salford the privilege of bonding foreign goods.

By Mr. Ewart, — of the corporation of Kingston upon Hull, against.

Bank of Ireland,— By Mr. O'Connell, against renewal of the charter, — from Finglass and St. Margaret's, Dublin; and Tullamore.

Designs Copyright Bill,—from Paisley, in favour.

Railway Communication, — By Mr. Labouchere, of the Sheffield and Rotherham Railway Committee, complaining of the unequal system of taxation on railways, and praying for relief from the tax on passengers. — Referred to the Select Committee on Railway Communication.

SHORT-HAND WRITING MONOPOLY.

Mr. O'CONNELL. — I hold in my hand a petition from Messrs. Edward Morton and Francis N. Walsh, short-hand writers, complaining of the present system of short-hand writing carried on by the Messrs. Gurney, showing an enormous increase of expenditure in consequence of the monopoly which those gentlemen enjoy. The petitioners propose that the business of short-hand writing to the Houses of Parliament shall be thrown open to the profession generally. I shall now move that this petition do lie on the table, and be printed with the Votes, it being my intention on Wednesday next to move for a Select Committee, to take the matter of the petition into consideration.

Motion put, and agreed to; petition ordered to lie on the table, and to be printed.

WAR WITH CHINA.

Mr. BAINES. — I have to present to the House a petition of rather an unusual kind, and I will shortly state its contents. This is the petition of the committee and other members of the Society for the Promotion of Permanent and Universal Peace. The petitioners declare that, in their opinion, all war is inconsistent with the spirit of Christianity; they feel a deep interest in the peace of Great Britain, and of all other nations. They have, from time to time, witnessed with great pleasure the wise and prudent steps which the

Government of Great Britain have taken in mediating between nations when these have been in danger of war; and they rejoice in the measures which were adopted to preserve peace between this country and the United States of America, when that peace was endangered by the recent excitement respecting the boundary line; and they express great concern at hearing that circumstances have transpired which threaten to destroy the friendly intercourse of this country with China, and that we are in danger of a war with that nation. They are encouraged, they observe, in presenting this subject before Parliament, by the inspired declaration — "that the time will come when nation shall not lift up sword against nation, neither shall they learn war any more;" and they therefore humbly pray the House to take such measures as may lead to an adjustment of the existing differences between this country and the Chinese people, — either through the mediation of some neutral power, or in any other way which may appear most suitable to the wisdom of Parliament, — without drawing the sword.

To lie on the table.

BOTANIC PLANTS.

Mr. HUME.—Seeing the Lord Steward (the Earl of Surrey) in the House, I beg to give notice that I shall, to-morrow, ask that Noble Lord whether it is the intention of Government to remove the collection of botanic plants from the royal gardens at Kew.

LIGHTING THE HOUSE.

SIR F. TRENCH — I beg to give notice that I propose, to-morrow, to move for an account of the expenses incurred by the experiment of lighting the House with the Bude light.

BONDING WAREHOUSES BILL.

Mr. GOULBURN. — I will take this opportunity of giving notice that, upon the second reading of the Inland Bonding Warehouses Bill, I intend to move for a Select Committee to inquire into the expediency of extending the system of bonding to inland towns, as proposed by that Bill.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Mr. H. LAMBTON. — I will now give notice that, in committee on the Ecclesiastical Duties and Revenues Bill, I shall move, as an instruction to the Committee, that the revenues of the cathedral preferments be applied to the religious ministrations of the Established Church.

TRANSMISSION OF PARLIAMENTARY PAPERS BY POST.

CAPTAIN POLHILL. — I wish to give notice that I intend, to-morrow, to put a question to the Chancellor of the Exchequer relative to the transmission of the parliamentary Votes and Papers by post.

DUTIES ON MAHOGANY.

LORD VISCOUNT SANDON. — I wish to call the attention of the Right Honourable the President of the Board of Trade to the great anxiety which prevails amongst persons engaged in the timber trade, respecting a report that it is the intention of the Government to make some alterations in the duties upon the importation of mahogany. As those alterations must have a great effect on the market, I hope the Right Honourable Gentleman will have the goodness to state what are the intentions of Her Majesty's Government on the subject.

Mr. LABOUCHERE. — I believe that it has never been the practice of persons in the situation which I have the honour to hold to express any intention as to a contemplated alteration of a duty until they were prepared to ask the House to accede to that alteration. That is the rule that has been always acted upon by previous Presidents of the Board of Trade; and I think there are very good reasons why it should still be adhered to. I am sure, therefore, that my Noble Friend will be satisfied with the only reply that I can possibly give him, without deviating from the regular practice, — namely, that the subject has been brought under the consideration of the Board of Trade; but as to what will be the probable determination of that board, I am not, at present, at liberty to speak.

RETURNS, PAPERS, &c.

Lists of Electors. — On the motion of Mr. Cowper, Address agreed to for —

Account of the sums paid by the treasurer of each county, or riding or division thereof, in England, out of any public money, for expenses incurred by the clerks of the peace, and returning officers, in preparing, copying, or publishing the lists of electors for such county, riding, or division, for the years 1837 and 1838; also, the number and price of the copies of such lists or registers sold during each of those years, specifying whether in print or in manuscript.

Sidney, &c. — On the motion of Mr. **Denison**, Return ordered —

Of the number of vessels and their tonnage cleared out from the ports of London, Liverpool, and Glasgow, in the years 1838 and 1839 respectively; — namely, for Sidney, Port Philip, South Australia, Swan River, King George's Sound, Hobart Town, Launceston, New Zealand, and the South Sea fisheries; as well as for the various ports on the western coast of South America, round Cape Horn.

Barracks (Bahamas &c.).—On the motion of **Lord Viscount Howick**, Copies ordered —

Of any correspondence in the year 1836, and subsequent years, between the different public offices w th respect to the state of the barracks at Nassau and Turk's Island in the Bahamas, and also respecting the proposed more frequent issue of fresh meat rations to the troops in Jamaica, the West Indies, and Bermuda:

Extract of so much of a Report from the medical officer in the Bahamas in the year 1819, as relates to the effect produced upon the health of the troops by the state of the barracks in that colony; also, similar extracts from the Reports made by Staff Surgeon Watson, in July 1827, by Surgeon Richardson, of the 2d West Indian regiment, in 1828, and by the same officer in 1829, 1830, and 1834.

Soane's Museum. — Annual Account presented (by Act).

East India Company. — Account presented — of particulars of all compensations, superannuations, and allowances granted to reduced officers in 1839 (by Act).

Account presented — of allowances, compensations, remunerations, and superannuations, granted to officers and servants, in 1839 (by Act).

Wheat and Wheat Flour. — Return presented — of foreign and colonial wheat and flour imported and taken for consumption in each month from May to December, 1839; quantity remaining in warehouse, &c. (ordered 16th January).

King of Hanover. — Return presented — of sums received out of the Consolidated Fund by the King of Hanover, since his accession to the crown of Hanover, and of houses, land, &c. held by him (ordered 4th February).

Fleetwood Port. — Return presented — of memorials to the Treasury, on which Fleetwood was made an independent port (ordered 13th February).

Duchy of Lancaster. — Account presented — of the gross and net revenues of the Duchy of Lancaster for the year ending Michaelmas, 1839 (by Act).

Severally ordered to lie on the table.

TITHE COMPOSITION (IRELAND).

LORD STANLEY. — In consequence of the answer I received about three weeks ago from the Noble Lord the Secretary for Ireland, and of some communications I have since received from Ireland in reference to that answer, I shall now move for "Returns, showing, in detail, the steps taken by Her Majesty's Attorney General for Ireland for the recovery of any sums on account of compositions for tithes vested in Her Majesty, under the provisions of 1 and 2 Vic. c. 109.; setting forth the list of defaulters, the sums for which they were severally liable, the proceedings had against each such defaulter, with the respective dates thereof, and the sums, if any, recovered from each respectively:

"Also, an Account of the sums paid by order of Her Majesty's Government to incumbents entitled to arrears of tithe composition, under the provisions of the Act aforesaid, and the proportion which such payments bear to the whole arrears due to such incumbents."

Agreed to; Returns ordered.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD J. RUSSELL. — I move, Sir, that the Order of the Day for the Committee of the whole House on the Irish Municipal Corporation Bill be now read.

Upon the question being put, —

Mr. **Shaw** and Sir R. H. **Inglis** presented petitions against the Bill, — from the corporation of carpenters, millers, &c. of Dublin; and from the Reverend David Croly.

Mr. P. **Somers** presented a petition from Sligo, for continuing that borough in Schedule A of the Bill.

Mr. O'**Connell** and Mr. **Litton** presented petitions for compensation, — from William Frederick Bentley, deputy marshal or deputy sword bearer of Dublin; pipe-water turncocks of Dublin; sergeants at mace, town sergeants, and bellower of Drogheda; and officers of the corporation of Dublin.

Mr. LYNCH presented a petition from Galway, for transferring that town from. Schedule A to Schedule B of the Bill.

Mr. M. J. BLAKE presented a petition of the chairman of a meeting of inhabitants of Galway, suggesting alterations therein.

The Order of the Day was then read.

On the question, "That the Speaker do leave the chair," being put, —

COLONEL VERNER said: — I rise, Sir, not for the purpose of getting up a preliminary and prolonged discussion before the House goes into committee on this Bill, but to state, in a few words, the grounds upon which I gave my vote the other evening against the second reading of this Bill; and why, should a division take place, I am prepared, now, to vote against the question that you, Sir, do leave the chair. I should be sorry if it could be supposed that I obstinately adhered to an opinion in opposition to those of Honourable Friends near me, with whom I am in the habit of acting, and in whose judgment I repose the most implicit confidence. But I am quite sure that I shall not lower myself in their estimation by giving my vote in support of those principles which I, with them, have at all times, heretofore, advocated. And, with all deference to my Honourable Friends, I must say, that I can see no sufficient reason for departing from those principles, nor am I aware of any advantage that can be gained by the course my Honourable Friends have thought proper to pursue with regard to this Bill. I hold that we have no right to deprive one body of persons of rights and privileges which they have enjoyed for years, for the purpose of transferring the same to the hands of another body; and the more especially, when we consider that those privileges were given, in the first instance, for the express purpose of keeping the municipal and political power from those very individuals in whose hands it is now proposed to invest it. It will be remembered that very much of the time of the House was occupied, both in the last and in the previous Sessions of Parliament, in discussing this Bill, and that every disposition was shown by Honourable Members on this side of the House to render all the assistance in their power towards making it a Bill such as they could conscientiously support. Many amendments were proposed; and several of those which were suggested were thrown out by my Honourable Friends with that view, — all parties being anxious to arrive at a satisfactory settlement of this long-contested question. Some of those amendments were discussed in Committee, but for the most part they were met by the most determined spirit of opposition on the part of the Government and their supporters. I confess that I cannot perceive in what material respect this Bill differs from the one of last year. My Honourable and Learned Friend the Member for Bandon said, the other night, that on looking through the present Bill it appeared to him to be even a more mischievous and a more dangerous Bill than its predecessor; and he called upon the Noble Lord near me (Lord Stanley) and the Right Honourable Gentleman to watch it closely, and, in its progress through Committee, endeavour to divest it of its objectionable provisions. My opinion is, that the objections to the measure, as it now appears before us, are so numerous, and so strong, that all our efforts to amend it in Committee will not have the effect of making it a Bill such as will be capable of giving satisfaction to the people of Ireland, or such a Bill as I should feel myself justified in supporting. I have, however, the consolation to know that it will not, immediately on its passing through this House, become the law of the land. It will be fully considered and closely scrutinised in another place; and there, at any rate, our suggestions and our amendments will be received with something like respect and consideration. But I know, also, that if the Bill should be returned to this House so altered and so amended as to meet with the approbation of Honourable Members on this side of the House, the precedent of former years will be followed, and it will be rejected by the party opposite. I know full well, that, although the Noble Lord may be induced to yield to us in some trifling matters of detail, the moment we touch on any of the important and more objectionable points of the measure, we shall be met with the same determined spirit of opposition as on former occasions. I believe that the one principal object which it is hoped to effect by this Bill is, the advancement of popery in Ireland, and the subversion of the Protestant religion. That is my opinion; and therefore it is, that, if called upon to record my vote on the question before the House, I shall certainly oppose the Bill going into Committee. As however, my Honourable Friends around me appear disposed to go into the consideration of the details of the measure, I shall, if the present motion be carried, be willing to render them every assistance in my power in their endeavours to amend the Bill in Committee. But if I were consulted upon the subject, I would say, let the present Bill be withdrawn, and a measure introduced for abolishing, altogether, municipal corporations in Ireland.

The question was then agreed to, and the House resolved itself into a Committee.

Preamble postponed.

Clause 2. "Reservation of all right of property and beneficial exemptions to freemen, their wives and children."

Clause 3. "None to be exempted from tolls except those who were so on the 5th June, 1835."

Clause 4. "Conditions of admission to be fulfilled as heretofore."

Clause 5. "No person to be admitted a freeman by gift or purchase."

Severally put, and agreed to, without amendment.

On the question "That clause 6., providing for the reservation of the parliamentary franchise to freemen, stand part of the Bill," —

Mr. SHAW said: — Mr. Bernal, the first amendment of which I have given notice relates to this clause. The subject now before the Committee has been so often discussed, and the arguments which bear upon it have been so often repeated, that I shall not now find it necessary to trouble the House at any length. As I have given notice of my amendments, every Honourable Member must have had an opportunity of knowing their scope and effect. I propose to take each amendment separately, shortly stating the grounds upon which I have brought them forward, and reserving any further observations that I may wish to offer till I find myself called on to answer objections. The first clause to which I wish to offer an amendment is that which has been introduced into the Bill for the purpose of reserving the parliamentary franchise to freemen. Now, what I propose is, to leave the law untouched as respects the franchise. I have understood that the promoters of the measure have no intention of disturbing the present state of the parliamentary franchise, and therefore it may be presumed that they purpose to leave the law relating to franchise untouched by the present Bill. The Noble Lord opposite, I am sure, will agree with me when I say that the Bill now in committee is intended to relate solely to the regulation of municipal corporations, and that no part of it has been framed with the view of altering the Irish Reform Act. Assuming that the fact is so, I take for granted that Her Majesty's Government can have no intention of effecting, by a side wind, a change which they disclaim any intention of directly accomplishing. I think, also, that they must admit, that the change I allude to is not one consistent with the spirit of the Bill. The amendments which I propose will leave the law as it now stands. I would permit the franchise to remain as it is according to law, and as it has been ever since the passing of the Irish Reform Act. I propose to omit Clauses 7. and 8. altogether, and to provide in Clause 6. that the parliamentary franchise shall remain unaffected. Three or four alterations in the law are contemplated by the two former clauses which I altogether deprecate, and which I shall use my best endeavours to resist. It will be recollected that in the year 1838 the Bill passed from one House to the other, and especially that the clause now under consideration was frequently sent backwards and forwards. However, in substance, my amendment has been agreed to by both Houses,—and agreed to, I may say, in the form in which I now bring it forward. It appears to me, therefore, that I have strong reasons for expecting a favourable consideration for it on the present occasion. I will not detain the House further than by moving as an amendment to Clause 6., to omit from the word "That" to the end of the clause, and insert the following words: — "all persons now entitled to vote at the election of a Member or Members to serve in Parliament for any city, town, or borough shall continue to enjoy such right as fully as if this Act had not been passed; and that every person who, if this Act had not been passed, would have had a right to be admitted a freeman or burgess, or to be placed on the roll of freemen or burgesses of any such borough as aforesaid, in order to be registered, and to vote in the election of a Member or Members to serve in Parliament, or might hereafter have been entitled to acquire in respect of birth, or marriage, or servitude, or of any statute then in force, as a freeman or burgess, the right of voting in the election of a Member or Members to serve in Parliament for such borough, shall be entitled, if such borough be one of the boroughs named in the said schedule A, or one of the boroughs to which a charter of incorporation shall have been granted, as hereinafter is mentioned, to be admitted a freeman or burgess, and placed on the roll of freemen of such borough, and to acquire and enjoy such right of voting as fully as if this Act had not been passed; and if such borough be one of the boroughs named in the said Schedule B, to which no such charter of incorporation as aforesaid shall have been granted, to acquire and enjoy, without having been admitted a freeman or burgess, such right of voting as fully as if this Act had not been passed, and he had been admitted a freeman or burgess, provided he shall be enrolled on the freemen's roll in any such city, town, or borough, according to the provisions hereinafter contained." I also propose to omit Clauses 7. and 8., page 4., and Clause 11., page 6.

Mr. D. R. PIGOT.—I am prepared to show that the amendment now proposed is wholly unnecessary, even for the purposes which the Right Honourable and Learned Mover and his friends have in view. But more than this, I contend that Clause 6., as it now stands in the Bill, effectually protects every parliamentary right. If the contrary be asserted, I challenge Honourable Members on the other side to point out any individual case where the parliamentary right was, by the Reform Bill, intended to be preserved, and which is not provided for by Clause 6. as it stands. Clauses 7. and 8. stand upon perfectly distinct grounds; but I now affirm — and it will be for Honourable Members on the other side to rebut the assertion if I am in error — that no case can be imagined which has not been provided for by the clause. I think I shall be able to advance the strongest objections to the course of legislation proposed by the Right Honourable Gentleman — a course which was rejected last year. I beg Honourable Members to consider on what it is we are debating, — it is on the best means of preserving the parliamentary rights of freemen. It appears to me that the wise and proper course for that purpose would be, at once to provide for all possible cases, and avoid the loose and ambiguous phraseology of the amendment. The clause, as it now stands in the Bill, has been framed with the purpose of making provision for two classes, — those who are already in possession of the franchise, and those who are not; the former class may be subdivided into those who have registered and those who have been admitted to their freedom, but whose names have not been placed upon the parliamentary register. Now, I beg to call the attention of the Committee to the words of the clause: —

> Be it enacted that nothing herein contained shall prejudice, confirm, affect, or alter, any right of voting of any such person now registered, or any right to be registered of any such person who shall have been admitted a freeman of any such borough at any time before this Act shall come into operation in that borough.

Here the House will see that the rights of all registered freemen are provided for. I call on Honourable Gentlemen opposite to point out what more specific mode of legislating could be adopted for the purpose of, first, protecting the right of every admitted freeman; and, secondly, of preventing the confirmation of any invalid claim. I now invite and challenge Honourable Members on the other side to point out a single case which the words of the clause do not meet. It gives rights to "every person who shall then have, or who, if this Act had not been passed thereafter, would have had a right, by reason of birth, marriage, or service, or of any statute so in force, to be admitted a freeman of any such borough, or after his admission to the freedom of such borough, to be placed on the roll of freemen of such borough, and to acquire as such freeman the right of voting in the election of a Member or Members to serve in Parliament for such borough," — and who "shall be entitled to be admitted and enrolled, as a freeman of such borough, on the freemen's roll of such borough, according to the provisions hereinafter contained, and to acquire and enjoy, as such freeman of such borough, such right of voting as fully as if this Act had not been passed." I hope that the House will see how much more expedient it is to adopt the clear, plain language of the Bill, than the ambiguous phraseology of the amendment. I am quite aware that propositions of this kind are frequently prepared by parties not members of this House, and it therefore does not surprise me to find that the amendment bears a construction which its advocates, probably, never contemplated. There is another class of cases to be provided for, — the case of those who, when this Act shall come into operation, shall not have registered their freedom. These may be subdivided into two classes,— those who would have a right, should the law remain as at present; and those who would not have a right under any circumstances. With respect to the class mentioned by the Right Honourable Gentleman,— namely, those who have a right, but who have not been placed on the roll, —I do not think there is any necessity for making a distinction; but I have no objection to yield, in this instance, to his suggestion. What is the wording of the Right Honourable Gentleman's amendment? He proposes that "all persons now entitled to vote at the election of a Member or Members to serve in Parliament for any city, town, or borough, shall continue to enjoy such right as fully as if this Act had not been passed." This is equivocal phraseology, and may lead to a construction which would establish an invalid vote, even against the decision of a parliamentary Committee. I contend, that the passage is capable of a double construction; and I defy any one to show an instance of ambiguity in the clause as it stands. Let me now call the attention of the Committee to the next phrase,— one which I think is very curiously constructed,— "And that every person who, if this Act had not been passed, would have had a right to be admitted a freeman or burgess, or to be placed on the roll of freemen or burgesses of any such borough as aforesaid, in order to be registered, and to vote in the election of a Member or Members to serve in Parliament, or might hereafter have been entitled to acquire in respect of birth, or marriage, or servitude." Now, why do you add the words, "or hereafter may be entitled to acquire?" These words may mean that the party has a legal right,— in which case his freedom cannot be withheld; or it may mean a class deriving their franchise through connection with freemen, made by what is called grace especial. I greatly fear that those who framed this amendment had it in their contemplation to admit freemen of that description. I trust, therefore, that the Committee, seeing that the clause, as it stands, is plain and intelligible, and that the amendment, to say the least of it, is full of ambiguous phrases, will agree to the original clause.

Mr. SHAW.— I do not wish to discuss the meaning of words more than is absolutely necessary; but, certainly, the speech of the Honourable and Learned Gentleman has satisfied me that he has, as I had before suspected, a particular object in this clause. I am persuaded that the Honourable and Learned Gentleman means to introduce some more stringent construction of the words of the clause than would be ordinarily given to them. If, however, he will give up the seventh and eighth clauses,— and he really thinks that the sixth clause better expresses the meaning than the amendment which I have proposed,— I will not contend any longer against it, as there is very little difference in the words of the two latter.

Mr. PIGOT.— I can assure the Right Honourable Gentleman that I am, at this moment, perfectly unable to comprehend what connection there is between the seventh and eighth, and the sixth clauses. If he will favour me by stating in what lies the connection, I shall be ready to discuss the question with him. With respect to the former two, they are most undoubtedly intended to produce a change; but there is not the slightest intention of making the sixth clause auxiliary to them, or of giving to it any other construction than what the plain, clear language of it will allow. When the Bill was discussed in another place last Session, the Lord Chancellor objected to a clause similar to that now proposed by the Right Honourable and Learned Gentleman; I must now repeat that objection, seeing that the clauses, as they stand, are absolutely necessary.

Mr. O'CONNELL.— I have remarked that confusion always arises when Honourable Members jumble up two or three clauses in their consideration of one. The Committee are now on the sixth clause; and if there be any objection to the seventh and eighth clauses, let them be discussed when we come to them. My Honourable and Learned Friend the Member for Clonmel has challenged the Right Honourable and Learned Member for the University of Dublin to point out any persons who will lose any rights by passing this sixth clause. He not only, however, has pointed out no such persons, but has admitted that the sixth clause does not materially differ from his amendment; and that, by itself, he does not object to it. I hope the House will not enter into a discussion on the seventh and eighth clauses, until we have decided on the sixth; at present they are not in the Bill; they are not sanctioned by the House; and the Right Honourable and Learned Gentleman will have a stronger case against them by allowing the sixth to pass.

Mr. SHAW.— I would certainly prefer

the phraseology of my amendment to that of the clause in the Bill; but I will not divide the House.

SIR R. PEEL. — I wish to ask the Honourable and Learned Member for Clonmel whether I have understood him to say there is a difference between the meaning of the words "entitled" and "having a right?" I do not see what distinction there is between them; and I would beg to point out, to the attention of the Honourable and Learned Gentleman, the words used in the seventh and eighth clauses, which apparently mean the same thing.

Mr. PIGOT. — The difference I referred to was produced by the words immediately after those now quoted by the Right Honourable Baronet. The words in the two clauses are, "entitled to be admitted;" and in the amendment, "having a right to acquire;" — between which there is a clear distinction.

Clause agreed to.

Clause 7., containing proviso as to freemen by birth and marriage.

Mr. SHAW. — I move that this clause be omitted from the Bill. It provides, that no person shall have a right to acquire, as a freeman, a right of voting in respect of birth or marriage, unless his right has been originally derived from or through some person who, in the case of birth, was a freeman previously to the 31st of March, 1831; or, in the case of marriage, claims through the daughter of a person who was a freeman previously to that day; or from or through some person who, since that time, shall have become, or shall hereafter become, a freeman in respect of servitude. My reason for objecting to this is, that it is an invasion of the principle of the Irish Reform Bill. With respect to persons claiming through marriage with the daughter of a freeman, the Honourable and Learned Gentleman contends that no such right existed until after the passing of the Irish Reform Bill. I can show him that the right existed a hundred years ago. Mr. West, the late Member for Dublin, who carefully searched the corporation records, found the right to have existed at that distant period. It is true that since that time, and up to the passing of the Reform Bill, the right remained in abeyance; but the reason of that was, that the corporation exacted greater fees by admitting the freemen by grace especial. I must say, that this clause will inflict a monstrous injustice on the corporations of Ireland.

Mr. PIGOT. — I admit that this clause does make a change; and I will now state the grounds on which that change is made. There is a similar provision in the English Reform Bill, and the object of it is to prevent the wholesale manufacture of honorary freemen. These honorary freemen have no right to vote for Members of Parliament; and our object is, to prevent persons claiming the franchise on account of their connection with them. The clause is not without precedent, for I find in a Bill which was introduced into the House on the 23d of May, 1838, by the Honourable and Learned Member for Bandon, a similar clause respecting electors, with the exception of its applying only to cases of birth, and not of marriage; and it is from that clause I have framed the one now under discussion. The Bill to which I have just alluded was stated to be brought in by Sir W. Follett, Mr. E. Tennent, and Mr. Serjeant Jackson; so that I have good authority for adopting its phraseology. The only difference I have made is, in extending it to cases of marriage as well as birth. I am perfectly ready, however, having stated what is the object of the clause, to concur in its modification for the purpose of securing any rights now in existence, provided such modification do not extend to the acquisition of any rights in respect of birth or marriage, through honorary freemen, since the year 1831.

Mr. SERJEANT JACKSON. — My Honourable and Learned Friend, in justification of the clause we are now discussing, refers to a clause introduced by me in another Bill, two years since; but that was introduced for a very different object from that of the clause now before the House. My Bill was for amending the law in respect of the registration of electors in Ireland — a most important subject; and I inserted that clause because the Government, for years, had brought in Bills professing the same object, but had not carried them out in a *bonâ fide* manner. I found clauses in Bills which had been introduced by Attorney Generals on the subject much more objectionable than mine, and those I cut down, because I was anxious to do what was likely to conciliate all parties. But my Honourable and Learned Friend mus borrow no argument from that clause, because it was intended for a totally different purpose. Let him introduce a Bill for that purpose, and I will support it; but let him not force the clause objected to into the present Bill.

Mr. O'CONNELL.—The Learned Serjeant acknowledges that, on another occasion, he was anxious to pass the clause for the sake of conciliation. Why should not the Learned Serjeant practise conciliation on the present occasion? He asserts that the clause has nothing to do with this Bill; I assert that it has. What is intended by the clause is, merely to put the laws of the two countries on the same footing; and, surely, that is a most desirable object. I do not wish to impute motives to the Right Honourable and Learned Recorder in opposing this clause; I think he has acted throughout with great candour; but I put it to him, whether there is anything in the English law like a right without a remedy? But is there any freeman of Dublin who has a legal remedy to enforce his right of franchise? What is now called a right, amounts, in the city of Dublin, merely to a claim, which the aldermen and common council have an absolute power of rejecting at pleasure, and without assigning any reason. It is a right without a remedy, and such a right is unknown to the law.

Mr. SHAW. — The Honourable and Learned Member forgets that Chief Baron Joy decided that the freemen had a right.

Mr. LITTON. — It is quite absurd to say that these two clauses have no influence on the meaning of the sixth clause. The Honourable and Learned Member for Clonmel has disclaimed any intention of interfering with existing rights; but the seventh and eighth clauses would have directly that effect. The Honourable and Learned Member for Dublin has taken pains to prove that this clause is merely declaratory, — that it does not take away a certain right, because that right never existed. If so, of what use is the clause? But we say that the right in question does exist, and the question is yet to be decided. If the Bill is merely intended to regulate municipal corporations, it should not set out by altering the Irish Reform Bill. On the grounds, then, that it is totally unprecedented to legislate on one subject, while another, and a totally different one, is before the House, and that this clause is introduced for the purpose of abrogating a right, I shall feel it my duty to oppose the insertion of this clause.

LORD VISCOUNT MORPETH. — It is quite true that we do not intend by the Bill to touch existing rights; it is a distinct and definite abuse, only, which is meant to be dealt with. That abuse is the wholesale manufacture of honorary freemen. The franchise now in question is derived through the corporate body, and therefore forms a proper subject of legislation in a Bill for the regulation of municipal corporations. A clause which existed in the Reform Bill for England was omitted in that which affected Ireland; and the present clause is introduced to place both countries in the same situation.

Mr. SERJEANT JACKSON.—I think the Noble Lord has said enough to justify us in striking the clause out of the Bill. Either the right to the franchise exists, or it does not: if it do not exist, there is no occasion for legislation; but if it do, the right should be protected. The Noble Lord, by introducing this clause, is interfering with the Irish Reform Bill. I cannot agree with the Honourable and Learned Member for Dublin, that there is no right to freedom in the Dublin corporation, seeing that that question has been decided in the affirmative by the Chief Baron of Ireland.

Mr. O'CONNELL.—I admit that there may be a right, subject to qualification by a superintending body; but that is not the case in Dublin. The corporation, there, has the fullest power, without assigning any reason, to reject any application for freedom. That application is not made as for a right, but is technically termed a beseech; and, if refused, no *mandamus* could enforce compliance. In Cork the case is different; and a person entitled may force the corporation to give him his freedom; but in Dublin there is no control over them.

SIR R. PEEL. — I will, on the present occasion, give no opinion on the merits of the enactment proposed to be introduced by this clause; but I should much rather see it made the subject of a separate Bill. If any improvement is more conspicuous than another in modern legislation, it is the practice of confining Acts of Parliament to their proper objects, and of thus dispensing with the necessity of consolidating Acts. It would be very inconvenient to have to look for the alterations in the system of representation, not only in the Reform Act itself, and in Acts for the amendment of the Reform Act, but also in Acts for totally distinct objects, such as the reform of municipal corporations. In my own Acts for the consolidation of the criminal law, I attended to these considerations; and I must say that, without reference to the merits of the present clause taken by itself, I am sorry to see an old and objectionable practice revived on this occasion. I do think that the real object of this Bill should be, to form a complete municipal code for Ireland.

Mr. LYNCH. — In my opinion, this clause, by abolishing the class of honorary freemen, is only carrying out the intention of the Irish Reform Bill.

Mr. SHAW. — My Honourable and Learned Friend forgets that we are sweeping away, altogether, the machinery by which freemen have been made, and that, if we pass this clause, we shall be sweeping away the freemen altogether.

Clause amended, and question put, "That the clause, as amended, stand part of the Bill."

The Committee then divided: — Ayes 100, Noes 53; Majority in favour of the clause 47.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, Hon. Colonel
Archbold, R.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Browne, R. D.
Buller, E.
Busfeild, W.
Butler, Hon. Colonel
Callaghan, D.
Clay, W.
Collier, J.
Corbally, M. E.
Cowper, Hon. W. F.
Dalmeny, Lord
Divett, E.
Duke, Sir J.
Dundas, Sir R.
Evans, Sir D. L.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir G.
Hastie, A.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Howard, F. J.
Humphery, J.
Hutton, R.
Langdale, Hon. C.
Lemon, Sir C.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Muntz, G. F.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Redington, T. N.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Smith, B.
Somerville, Sir W. M.
Stanley, Hon. E. J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Tavistock, Marquess of
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Right Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wemyss, Captain
Westenra, Hon. H. R.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Wood, B.
Wyse, T.

Tellers.

Curry, Mr. Serjeant
Lynch, A. H.

NOES.

Alsager, Captain
Archdall, M.
Baring, H. B.
Bentinck, Lord G.
Blair, J.
Blennerhassett, A.
Cole, Lord Viscount
Colquhoun, J. C.
Conolly, E.
Corry, Hon. H.
Courtenay, P.
Dunbar, G.
Eaton, R. J.
Ellis, J.
Gaskell, J. M.
Glynne, Sir S. R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hinde, J. H.
Hurt, F.
Johnstone, H.
Jones, Captain
Kemble, H.
Knight, H. G.
Knox, Hon. T.
Litton, E.
Mackenzie, T.
Maclean, D.
Maxwell, Hon. S. R.
Meynell, Captain
Miles, P. W. S.
Norreys, Lord
Ossulston, Lord
Parker, R. T.
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Powerscourt, Ld. Visct.
Praed, W. T.
Richards, R.
Sandon, Lord Visct.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Thomas, Colonel H.
Verner, Colonel
Wilbraham, Hon. B.
Young, J. (Cavan)

Tellers.

Jackson, Mr. Serjeant
Shaw, Rt. Hon. F.

Clause 8. "No admission or enrolment unless right of freedom prevailed on 30th March, 1831."

Clause 9. "Lord Lieutenant to appoint a person to make out a freemen's roll in certain cases."

Clause 10. "Town clerk to make a freemen's roll."

Clause 11. "Remedies by *mandamus* under 33 Geo. III. c. 38., and by *quo warranto* under 38 Geo. III. c. 2., to be applied with reference to the freemen's roll."

Clause 12. "As to boroughs in which there is no town clerk, and places where there is no churchwarden."

Severally put, and agreed to.

On Clause 13. ("Corporations in

Schedule A to be styled mayor, aldermen, and burgesses") being put, —

Mr. SERJEANT JACKSON said: — I have, Sir, an amendment to propose on this clause, which is, that it be struck out altogether. My object in this is, to render it optional with the different communities in Ireland to which the Bill has reference to take or refuse corporations as they may think fit. The Bill now before the Committee divides the towns in Ireland affected by it into two classes. The first class (Schedule A) consists of 11 towns, on which the acceptance of corporations is to be imperative; and the second (Schedule B) of 37, with which it is to be optional; and which, in the case of their desiring to have corporations, are to state their wishes through the medium of a petition to Her Majesty, signed by a majority of the ratepayers. Now, my proposition is, to render the acceptance of corporations optional with all. I cannot conceive what objection there can possibly be to this alteration, as, in cases where corporations are wished for, the parties could get them, without difficulty, by petition. An Honourable Gentleman opposite (Mr. Lynch) has lately presented a petition from the town of Galway, in which the inhabitants pray that they may not be encumbered with a corporation. This same town presented a petition to the House of Lords, last year, when this Bill was before their Lordships, in which a similar prayer was preferred; and it has again come forward, on the present occasion, with the same request. It was alleged, last year, by those Honourable Members who did not approve of the petition, that the only reason why the inhabitants of Galway objected to a corporation was, that they disapproved of the boundaries proposed by the Bill with reference to that borough; that they thought the intended municipal district too restricted in its extent. But that was not a fair representation of the case, as any one who may read the petition will see. The inhabitants complain that they have no funds for municipal purposes, and that the law, as it stands at present, is quite sufficient for all their wants; and when I say this, I am now fully borne out by the Honourable Member for Galway himself, in the petition he has this night presented. They do not wish to have a corporation forced upon them against their will, and say that its effect will be to burden them with a load of most unnecessary expense. But the people of Galway do not stand alone in this opinion. The people of Clonmel have also petitioned against this compulsory enforcement of a corporation upon them; and the petition which I presented from that town is signed by three fourths of the ratepayers of the borough. The Honourable Members for Waterford and others have admitted this, and said, that they thought that the people of Clonmel objected to have a corporation forced upon them on account of the exaggerated amount of the expense which it had been urged upon them would be the result. But the people of Clonmel are sensible people; and, forming their own judgment upon the matter, say that it is not right to force a corporation upon them, if they do not wish to be saddled with this addition to their present burdens; — calling upon this House, at the same time, not to subject them to the constant recurrence of popular elections, which tend to the excitement of so much ill blood and disturbance. Belfast, also, a town containing 80,000 inhabitants, objects to this Bill, the petitioners stating that they are a commercial community, and not at all anxious to be troubled with municipal affairs. They state that they have, already, a local board, which answers their purpose, and that they are averse to the expense that would be entailed upon them by the establishment of a corporation; and, under these circumstances, I ask the House why we should compel them to submit to a corporation? Let the Committee, then, not forget that these are all towns named in Schedule A; and I think I may, with such proofs before me, deny that there exists any desire in Ireland with respect to this Bill. I believe that this House will find that every town in Schedule A will protest against being saddled with municipal bodies in this compulsory manner. How many petitions, let me ask, have been presented from towns in Ireland praying to have corporations conferred upon them? Let them but fairly understand the bearings of this measure, and the expense and ill-will to which its provisions must inevitably lead, and I will venture to say that you will have petitions against this Bill from every town to be included in it. It has, however, been said, that it is the duty of these towns to have corporations: but why is it so? Parliament has already, by its legislation, denuded them of the administration of justice and of their police, and of the care of their harbours; and why, I should be glad to know, should the townspeople be now expected to desire the establishment of fresh corporations, when they see that the existing bodies have been stripped of all their most desirable functions? It is urged, among the arguments that have been advanced in support of this Bill, that, as England has got reformed corporations, Ireland should have them also; and I cannot but feel that it is this argument which has induced many English Members to vote for the total abolition of corporations in Ireland; for I believe the fact to be that, in a great many cases, the English people would be glad to get rid of their corporations; and that they have proved, as they will in Ireland, a scourge, instead of a benefit, in too many instances. I therefore entreat Honourable Members to consent to that which is just and reasonable, by giving an option to the towns of Ireland with respect to the establishment of corporations. For my own part, although I shall vote for the second reading of this Bill, I am still persuaded that the best thing this House could do would be, to abolish municipal corporations in Ireland, altogether. I repeat that it is a most unjust course to force these corporations upon any of the Irish communities against their expressed will; and, recalling to the minds of Honourable Members the fact that four of the towns in Schedule A have already petitioned against a compulsory inclusion in the provisions of this Bill, I do hope that the House will agree to my amendment, that this clause be struck out, and the boroughs mentioned in Schedule A be transferred to Schedule B, and that all reference to Schedule A be omitted in the subsequent clauses of the Bill.

COLONEL PERCEVAL. — I agree, altogether, Sir, with the view taken of this subject by my Honourable and Learned Friend the Member for Bandon. I, Sir, have also voted for the second reading of this Bill, and for this reason, — that I am one of a great party in this House which acceded to the course laid down by a Noble Duke elsewhere, and in which course the leader of the party with whom I have the honour to act in this House has coincided. That Right Honourable Gentleman has said, that if a good Bill were passed, which should place the Irish Church on a solid foundation, and if a rating under the Poor Law were established as a test of the franchise, then corporate reform would be conceded. Although I have voted, however, for the second reading of this Bill, I entertain the strongest objection to many of its details, some of which are founded in gross injustice to the Protestants of Ireland. Now, with respect to Sligo, although I am aware that a petition has been presented to the House in favour of the Bill, signed by upwards of 1000 persons, I am yet, nevertheless, aware that four fifths of the population are against the town being placed in schedule A. I am instructed that a petition will shortly be placed in my hands, signed by persons representing four fifths of the property of the town, against making it compulsory on the town to have a charter of incorporation. In fact, all the wants of the population are supplied by an Act passed in the forty-third year of the reign of George III. Commissioners under that Act are appointed, who act gratuitously, which commissioners are elected by the 20*l*. householders, and to their care are intrusted the lighting, and paving, and watching of the town. A Reform Bill for Ireland has passed, however, and the franchise is extended to the 10*l*. householders; and these commissioners have now nothing whatever to do but that which could quite as well be done at quarter sessions before the assistant barrister. Besides; the corporate property of Sligo is under 100*l*. a-year, which, I fear, would go but a very little way towards meeting the great increase of the expenses which the introduction of the provisions of this Bill into that borough would produce. I want to know, then, why that town should have a corporation forced upon it? The only reason I can assign is, that the priests and five or six merchants have petitioned in favour of it. With these exceptions, the petition does not, so far as I can discover, contain the signature of a single person possessing any property in the town. There is no trouble whatever, as to politics, in the election of the commissioners appointed under the Act to which I have referred, as they are composed of persons of all politics and creeds, and do their duty in a manner conducive to the general advantage of the town. Wherefore, then, I would again ask, is Sligo to be encumbered with a corporation? The inhabitants are already highly taxed; but, in addition to this, they will soon have to be taxed under the Poor Law, besides the expense to which they will be put by the Ordnance survey. Under all these circumstances, and seeing that these continually recurring elections must be the source of perpetual heart-burnings, I implore the House to give the inhabitants the option of having, or not having, a corporation, as they may deem fit.

MR. LYNCH. — I hope, Sir, after what has been said with respect to the borough of Galway, I may be allowed to offer a few words on this subject. The year 1835 was the first year in which this Bill was introduced into Parliament, and at that time, I find, Galway did not make any any objection to the measure. In 1838, the boundary question first came on, and still, at that time, the town did not put forth any objections. In 1839 it was, that, for the first time, certain new fiscal regulations were introduced into the Bill, to which, taken together with the restricted boundary within which the corporation of this town was to be included, the inhabitants decidedly objected, in a petition which I, at the time, presented on their behalf to this House. I was subsequently prevented, by severe indisposition, from following up the subject at that period; and the Bill relating to boundaries was passed. The inhabitants of Galway petitioned the House of Lords on that occasion to have the boundaries of the borough extended, and the Noble Lord who presented it, pressed their Lordships to alter the restriction of those boundaries, or that the borough should be erased from this Bill. A petition, similar to that presented to the House of Lords, was presented, also, to this House, the prayer of which was confined to asking the House for a larger boundary. The objection, therefore, of the town of Galway is not against having a corporation, but against having, together with these new fiscal regulations, so restricted a boundary. I shall, then, on the part of the people of Galway, propose that they may first have an extension of boundary, and then there will be ample time, hereafter, to effect the other object, if necessary. With respect, however, to the general question, is it, I would ask, any argument against municipal corporations, to say that two or three towns have objected to have them? Or, again, is it any argument against municipal corporations, to tell us that some few other towns are to be put to the trouble, if they wish to have corporations, of petitioning Her Majesty for charters of incorporation? If, Sir, there are no better grounds than these advanced against the general question of corporations, I can only say that I shall give my opposition to the proposal of the Honourable and Learned Member.

Mr. SERJEANT JACKSON. — You have not read to the House the statements in the petition presented from Galway this year.

COLONEL CONOLLY. — I perfectly concur in what has fallen from my Honourable and Learned Friend the Member for Bandon, as to the propriety of leaving it optional with the towns of Ireland to have a corporation, or not. I think it too hard that corporations should be forced upon some of the towns, and that it should be left as a matter of choice with the rest; and, upon a former occasion, I opposed their being granted to small towns, and for this reason, that they are so poor they cannot afford to avail themselves of the provisions of the 9th of George IV.; and now, notwithstanding their impoverished state, Her Majesty's Ministers are determined to force this Bill upon them, with all its expensive machinery, the provisions of which have a tendency to disturb the peace of society, and to create religious feuds, rather than to promote concord and happiness. The least, I think, the House can do, is, to leave it optional to have a corporation or not, as the inhabitants of the towns may think fit. From what has occurred, with respect to Galway, it is manifest that it is the financial question that pinches there; as they want a larger boundary to enable them to bear the expense of a corporation; and so it will be in all the other towns. It is monstrous, then, to force corporations on the more considerable towns, and to make it optional in the case of the smaller ones. Now, with regard to Sligo, all the functions of a corporation are provided for by an Act passed so long since as the reign of George III., and yet the House is called upon to give a corporation to a town that does not want it. The measure, as it stands, can produce no good; on the contrary, it is fraught with evil: and I still think the greatest boon that could be conferred on Ireland, would be to abolish corporations altogether. If this course were adopted, and the revenues of the corporations given in support of the poor, I am confident there is not a town in Ireland that would prefer a corporation to the relief of the poor. For these reasons, and finding it hopeless to abolish corporations altogether, I shall vote for leaving it optional with all the towns to apply for charters incorporative.

Mr. D. R. PIGOT. — With respect to the petition from Clonmel against this Bill, it was got up through the means of a placard, a copy of which I hold in my hand, which declares that a new corporation would entail on the town expenses, first, of 1350*l.*, next 750*l.* for watching and lighting, 500*l.* for county cess, 500*l.* for the repairs of the town, and 4000*l.* for poor rates.

[Laughter.]

Pending the efforts to get signatures to this placard, however, there was a large meeting in favour of corporations, from which emanated a petition, signed by 1450 persons, and which petition I have presented to this House. The Honourable and Learned Serjeant (Jackson) has called the attention of the House to a petition from Clonmel, which he has characterised as a petition respectably and numerously signed. Now, what are the facts? Out of a population of 19,000 souls, this numerously and respectably signed petition, and which the Honourable and Learned Serjeant says is signed by persons representing four fifths of the rated property of the town, contains just 172 signatures, — the whole of which do not represent one sixth of the rated property; — and out of these 172 persons who signed the petition, several are non-resident and some others are minors. One of them is the turnkey of the gaol; another is the assistant turnkey; another is a driver to a gentleman of some property near the town; another is a tailor; another is a porter to the hospital; and two others are minors, the sons of a highly respectable clergyman who keeps a school. I think, therefore, the Honourable and Learned Serjeant has laid too much stress on this petition.

Mr. SERJEANT JACKSON. — I cannot take upon myself to set up my knowledge of Clonmel against that of my Honourable and Learned Friend; but I can tell him that I derived my information from a most respectable gentleman, whose name I am ready to state, and whose letter I can show, if he chooses. The gentleman to whom I allude is Mr. Peddard. That gentleman authorised me to appeal to the Honourable Member for Waterford, and also to the Honourable Member for Dungarvan for a character of the petitioners. I did make that appeal, and both one and the other of these Gentlemen amply verified the statement I have made. The Honourable Member for Waterford said the petition contained the names of some of the most respectable proprietors of the town, although he thought it was got up on account of the placard to which the Honourable and Learned Gentleman has just referred, and though some persons in the humble walks of life have signed it, and amongst them some Roman Catholics, I will again assert that it contains signatures representing, at least, 10,000*l.* worth of rated property. I hope, therefore, the House will consider that this petition is most respectably signed.

Mr. PIGOT. — I deny that the signatures to this petition represent more than 800*l.* of the rated property of the town.

Mr. SERJEANT JACKSON. — Under what rating?

Mr. PIGOT. — Under the 9th of George IV.

Mr. SERJEANT JACKSON. — Is there no other rating? I call on the Honourable and Learned Member to answer that question.

Mr. SHAW. — I must state that I have received the same information respecting the petition from Clonmel as my Honourable and Learned Friend, but from a different authority. Mr. Prittie, a son of the late Member for the county of Tipperary, has informed me that the petition speaks the sentiments of the great majority of the inhabitants, both Protestant and Catholic, and well represents the wealth and intelligence of the town. I am bound to express my dissent from the particular plan proposed, of having a governing body of half Protestants and half Roman Catholics; but the spirit of the petition I think, is excellent, while I must say, that that presented by the Honourable and Learned Gentleman (Mr. Pigot) is of a very opposite character, — the first name upon it being that of the parish priest, and its language calculated to produce irritation and ill-will. I concur with the petitioners in thinking it reasonable that a corporation should not be forced upon them; and though I do not think that my Honourable and Learned Friend can succeed in giving an option in all cases, yet, if he persists in dividing the House, I shall, as I approve of the principle of his proposal, certainly vote in its favour.

Mr. PIGOT. — I merely rise to say, Sir, that I never intended to imply that the persons who signed this petition were not respectable; all that I intended to infer was, that the statement of my Honourable and Learned Friend upon that subject was exaggerated.

LORD STANLEY. — I rise, Sir, to explain the grounds of the course I intend to take upon this question. I confess that I still remain of opinion that it would be more for the general advantage of Ireland, would tend more to good government and peace, and to the promotion of all the objects of harmony, if corporations were to be wholly abolished in Ireland; and that opinion has, since I first expressed it, been materially strengthened by what I have observed of the subsequent diminished feeling in favour of corporations among the people of Ireland. However, I have consented to withdraw that opinion, after successive defeats in this House, and I have acquiesced in the opinion of the great majority of the House, that we ought to establish corporations as organs of municipal government in Ireland. I am very unwilling that any charge should be substantiated against the Conservative side of the House, that we seek, now, to withdraw from the principles which have been, in former Sessions, acquiesced in by the Conservative party in both Houses of Parliament. One of those principles is, that there should be a Schedule A, which should consist of towns to which the principle of option should not apply. On this point, I feel concluded by what has passed; and as the proposition of my Honourable and Learned Friend goes to say that there should be no Schedule A, I feel bound, though very reluctantly,—for I always differ reluctantly from my Honourable and Learned Friend, but especially on this occasion, when I am not sure that my Honourable and Learned Friend has not much reason and justice on his side,—to vote against the amendment.

Mr. BLAKE.—Will the Honourable and Learned Member divide the Committee on his amendment?

Mr. SERJEANT JACKSON.—I certainly shall.

Mr. BLAKE.—I can only assure the Honourable and Learned Gentleman that Galway has petitioned in favour of a municipal corporation; but I have received a letter from Ireland telling me that but few of the ratepayers wish to have that town in Schedule A. I hope, under those circumstances, that the Honourable and Learned Gentleman will not divide the Committee now, but wait till the schedules are before it, as he can then move that Galway be placed in Schedule B.

Mr. SOMERS.—With respect to the petition which I have presented from Sligo, I beg to tell the Honourable and Gallant Gentleman opposite that there are five names among the signatures attached to that petition which are of greater weight and importance than those of all the Conservatives in that town put together. The petition is signed by upwards of 2000 persons, and it states that the present commissioners, there, have shamefully neglected the improvement of the harbour; and that Sligo is the worst paved and worst lighted town in all Ireland. The inhabitants, on the contrary, are as intelligent and enterprising a body of persons as any in the British dominions.

COLONEL PERCEVAL.—I am well aware that Sligo is an enterprising and rising town; and I am not aware that I cast any aspersion on any name attached to the petition from that town. The Act, which is known as the 9th of Geo. IV., has been adopted in the town, and the inhabitants, at present, are enabled to light and watch it. Many pipes have been already laid down, and the town is about to be lighted with gas. With respect to the cleansing of the town, I am quite willing to admit that much neglect prevails in that respect, and that the town is very badly cleansed. But still, I do not see how the condition of the town is to be improved by laying an additional tax upon the inhabitants. I think that all the public business of the town of Sligo might be arranged without placing any additional tax upon the inhabitants; and this, too, at a time when they are on the point of being subjected to the burden of the new poor rate. I should regret to have said anything offensive with respect to those who have signed the petition from Sligo, for it was signed by many who, though not my political, are my personal, friends.

Mr. O'CONNELL.—The number of petitions presented from Ireland in favour of corporation reform prove, conclusively, the state of public feeling on that subject in Ireland. Though the petitions from England, in favour of church extension, have been more numerous, still they do not contain half the number of signatures which were affixed to the petitions from Ireland. I am glad to hear corporations undervalued by Honourable Gentlemen opposite. At one time it was said that any change in the corporations would destroy the Protestant religion of Ireland. These pillars, I am afraid, are now rotten; at all events, they are thrown aside, as of no value whatever. If the old corporations were of no value, I hope the new corporations will be of a very different description.

The House divided: — Ayes 109, Noes 30; Majority 79.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baring, Rt Hn. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Butler, Hon. Colonel
Callaghan, D.
Clay, W.
Collier, J.
Craig, W. G.
Curry, Mr. Serjeant
Dashwood. G. H.
D'Eyncourt, Rt. Hon. C. T.
Duke, Sir J.
Dundas, Sir R.
Evans, G.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Godson, R.
Goulburn, Rt. Hn. H.
Grattan, J.
Greg, R. H.
Greig, D.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hobhouse, Rt. Hon. Sir J.
Hobhouse, T. B.
Howard, F. J.
Howard, Sir R.
Hume, J.
Hutton, R.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lemon, Sir C.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Praed, W. T.
Redington, T. N.
Rickford, W.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, Lord
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sutton, Hn. J. H. T. M.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, Hon. C. P.
Wakley, T.
Walker, R.
Warburton, H.
Wemyss, Captain
Westenra, Hon. H. R.
Williams, W.
Williams, W. A.
Wood, C.
Wood, G. W.
Wood, B
Wyse, T.

Tellers.

Stanley, Hon. E. J.
Tufnell, H.

NOES.

Arbuthnott, Hon. H.
Blair, J.
Blennerhasset, A.
Cole, Lord Viscount
Conolly, E.
Dunbar, G.
Ellis, J.
Gaskell, J. M.
Glynne, Sir S. R.
Gore, O. J. R.
Halford, H.
Hinde, J. H.
Holmes, W.
Inglis, Sir R. H.
Jones, Captain
Kemble, H.
Knight, H. G.
Knox, Hon. T.
Litton, E.
Maunsell, T. P.
Maxwell, Hon. S. R.
Ossulston, Lord
Plumptre, J. P.
Polhill, F.
Round, J.
Shaw, Rt. Hon. F.
Thomas, Colonel H.
Verner, Colonel
Wilbraham, Hon. B.
Young, J. (Cavan)

Tellers.

Jackson, Mr. Serjeant
Perceval, Colonel

The clause was then agreed to.

On Clause 15. being proposed, —

Mr. SHAW said: — A principle running through many of my amendments is applicable to the present clause, — namely, that the whole machinery of the Bill should be based on a 10*l.* franchise, ascertained by rating; I will therefore propose that in the cases of applications of the inhabitants of the boroughs named in Schedule B, for a charter of incorporation, instead of a majority of the rated inhabitants, the petition shall be signed by a majority of those rated to 10*l.* and upwards. The amendment I propose is as follows: — Omit the word "shall" in line 9., and insert the following words, "would be qualified (so far as such qualification can be ascertained from the assessment of the poor rate, made under the Act, for the more effectual relief of the destitute poor in Ireland), to have been enrolled on the burgess roll of such town, if the same had been named in the said Schedule A, and such burgess roll had been made according to the provisions hereinafter contained."

LORD VISCOUNT MORPETH. — I cannot accede to the proposition. As the Bill gives the option to the inhabitants of these boroughs, whether they should have a corporation or not, I think it only fair that the option should be allowed to rest with the majority of the ratepayers, without the limitation which the Right Honourable Gentleman proposes.

The amendment was negatived, and the clause was agreed to; as were also clauses up to Clause 22. inclusive.

On Clause 23.

Mr. SHAW. — I move the omission of the words "for any purpose of grand jury presentment." The object of the words in the clause, is to keep a certain portion of the rural population in the suburbs and liberties of the boroughs liable to taxation, though cut off by the new boundaries, and therefore not deriving any possible benefit from the new corporation. I think that unreasonable; and that upon the principle on which the

Government profess to act, of conferring an advantage by the grant of corporations, they should not withhold that advantage, and at the same time impose the burdens incident to it.

On the question, "That the clause stand part of the Bill," —

Mr. SERJEANT JACKSON said: — I think that there is an amendment of mine on the paper, which has precedence of that of my Right Honourable Friend. I beg to move the omission of the 23d clause, and the substitution of the clause following, in place thereof: — "And be it enacted, that for the purposes of this Act, all places locally situate or included within the boundaries of any borough, or of any ward thereof, as defined under this Act, shall be deemed and taken to be a part or parts of such borough, or of such ward thereof, respectively; and in those boroughs which are counties of themselves shall be part of such county, and of none other; and in every case in which the metes and bounds of any borough or county, under the provisions of this Act, shall not include any place or precinct which before the passing of this Act was part of such borough or county, such place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary: provided nevertherless, that if any such place or precinct shall have been liable, before the passing of this Act, to contribute to any rate made for the purpose of satisfying any lawful debt to which the ratepayers of such borough or county were liable to contribute before the passing of this Act, and in case any difference shall arise concerning the proportion of such debt, which ought, therefore, to be paid and contributed in respect of such place or precinct, it shall be lawful for the Chief Justice of Her Majesty's Court of Queen's Bench, in Dublin, in the case of the county of Dublin, and the county of the city of Dublin; and in the case of any other county, for the senior justice of assize for the county of which such place or precinct shall thenceforward be taken to be part on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the ratepayers of such place or precinct, to appoint, by writing under his hand, a barrister not having any interest in the question, to arbitrate between the parties, and by his award, under his hand and seal, to assess the proportion, if any, of such debt which ought therefore to be paid and contributed in respect of such place or precinct; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct, as if this Act had not passed, until such proportion shall have been fully paid and satisfied to the treasurer of the borough, and no longer: provided nevertheless, that every county gaol, house of correction, or lunatic asylum, or court of justice, which at the time of the passing of this Act is taken to be for any purpose within any county, shall still, for all such purposes, be taken to be within such county, anything herein contained to the contrary notwithstanding." I contend that this clause, as it stands, differs materially from the Bill of last year; and I maintain that great mischief will arise if this clause be retained in its present form. I maintain that the rural districts — separated from the boroughs — ought to be thrown into the adjoining county, otherwise those districts will be deprived of any quarter sessions, or the superintendence of any magistrates. In England, the boundary Commissioners recommended that those parts cut off from the boroughs should be thrown into the counties at large; and the proposition was adopted. Now, in Cork, for instance, there are only four square miles built upon, and to that district only, according to the Bill, would the boundaries extend; whereas, seventy square miles are included in the county of the city, and will be deprived of quarter sessions and the superintendence of magistrates; and, in addition to this, it would be deprived of a coroner. I hope, therefore, that my Honourable and Learned Friend the Solicitor General for Ireland will consent to adopt my amendment.

Mr. PIGOT. — I think the amendment deserves consideration, and I have no objection to allow the clause to stand over for the present.

The clause was then postponed.

Clauses down to 31., inclusive, were then agreed to, and ordered to stand part of the Bill.

Clause 32., as to the qualification of burgesses.

Mr. SHAW. — This clause has long been the principal subject of contention between the two sides of the House; they have now more nearly approached the settlement of it; but still there is a considerable difference between my views and the present provisions of the Bill. The Bill admits a 10*l.* franchise in the case of the boroughs in Schedule A, but provides an 8*l.* franchise in the smaller boroughs, which may be incorporated; and, after three years, the mere rating, as it was in England. Now I propose to make the franchise 10*l.* in all boroughs, and I entirely object to the mere rating at any sum, as in the English boroughs, —first, as a system which would at all times be inapplicable to the peculiar condition of Ireland; and next, as legislating for a period which is, as yet, three years off. I propose to omit Clauses 33. and 34., and to substitute for Clause 32. the following:—

"Every man of full age, who, on the last day of August in any year, shall be an inhabitant householder, and shall, for six calendar months previous thereto, have been resident as such within such borough, or within seven statute miles of such borough, and who shall occupy within such borough any house, warehouse, counting-house, or shop, which, either separately or jointly with any land within such borough occupied therewith by him as tenant, or occupied therewith by him as owner, shall be of the yearly value of not less than ten pounds, to be ascertained and determined in manner following, and not otherwise (that is to say), such value shall be a sum composed of the net annual value at which the premises so occupied by such man shall be rated (as they are hereby required to be) to the relief of the poor under the said Act for the more effectual relief of the destitute poor in Ireland, and of the amount of the sums at which the landlord's repairs and the landlord's insurance shall be estimated and stated in any rate to be made in pursuance of the said Act: Provided always, that no such occupier shall be admitted to be enrolled as a burgess, or to vote at any election of municipal commissioners under this Act, unless he shall have been rated in respect of such premises to the relief of the poor, and shall also have occupied such premises within the said borough, or other premises of the like nature within the said borough, and rated as aforesaid, for the space of twelve calendar months, at the least, next preceding such last day of August; nor unless such occupier shall, on or before the last day of August in such year, have paid or discharged all rates for the relief of the poor, and all municipal or other local cesses, and all rates and taxes which shall have become payable by him in respect of such premises, except such as shall have been imposed or become payable within three calendar months next before such last day of August. After line 38., omit to the end of the clause."

LORD VISCOUNT MORPETH.—I certainly cannot consent to this amendment. The Government have already made great concessions to the Honourable Gentlemen opposite, but this alteration, if agreed to, would go to damage a very important portion of the Bill.

Mr. SHAW.—I contend that the qualification which I propose is called for by the circumstances of the case. A similar qualification is prescribed by the Scotch and English Reform Bills.

LORD VISCOUNT MORPETH.—I differ with the Right Honourable Member. The amendment doubles the term of previous occupation, and cuts down the term of exemption to one half. Now, this would be unjust towards Ireland, because it makes the terms of qualification more stringent, there, than in England or Scotland. Ireland is the poorer country, and therefore the qualification ought not to be placed on a less favourable footing than that of its richer neighbour. Considering the very large concessions which have already been made, in order to conciliate all parties, I do not think such a proposition ought to have been urged, and I certainly shall not consent to any suggestion that would have the effect of laying an additional restriction on the qualification.

Mr. O'CONNELL.—I object to any suggestion that would have the effect of making the Irish Bill different from the English Bill. My object is to make the law for both countries equal. I beg it to be distinctly understood that I refuse to be a party to the 10*l.* qualification, or indeed to any other mode of rating than that which assimilates the Irish Municipal Reform Bill to the English Municipal Reform Bill.

Mr. W. S. O'BRIEN.—I can see no rational ground for dealing with Ireland in a different spirit from the other parts of the empire. I understood that this measure was to be agreed to in a spirit of conciliation, and I do not think that this can take place if we are to consent to make such a distinction as this.

LORD STANLEY.—I think it would be more advisable that we should wait till the end of the three years, and not now legislate for institutions which will, perhaps, at the end of that period, be called into existence. Whatever may be said to the contrary, I would not wish to deal with injustice towards Ireland, or to act towards that country in a different spirit from the other parts of the empire. But I contend that to settle a 10*l.* franchise is not dealing with Ireland in a spirit different from the other parts of the empire. Now, with respect to the period of occupation; as the law stands at present, a man cannot register until after six months' occupation, nor can he exercise the franchise until he has been registered for six months; so that, in point of fact, he cannot now vote until after twelve months' occupation.

Mr. SERJEANT CURRY.—Sir, I certainly object to the amendment proposed by the Right Honourable and Learned Member for the University of Dublin. I contend that it is not fair to treat this as the value to the landlord, but it is the value to the tenant; and that, therefore, we ought not to allow for the landlord's repairs and insurance, but for the tenant's rates and taxes.

Mr. SHAW.—I think my Honourable and Learned Friend the Member for Armagh is quite incorrect in the test which he has contended for. The real value of the premises is what they will bring in the market; as between the landlord and tenant, and not what the tenant pays by way of rates. The sums for repairs and insurance are allowed to keep the premises in the same condition as when they are let. If you allow tenants' rates and taxes, this absurdity will follow, that the better the taxation of a borough is managed, and the lower taxes fall upon any given house, the less will be the value of that house.

Mr. O'CONNELL.—Sir, we are going into a variety of details as to value which were not introduced into the English Municipal Bill. It is unfair that all these calculations should fall upon the Irish voter, which will open a wide field of litigation, simply because you will not give the same franchise as in England. What is the objection to giving us the English franchise? Why, that we have not paid three years' poor rates. I admit that that makes a difference. But the Noble Lord will not give us the same franchise when we have paid three years' rates.

LORD STANLEY.—I expressed no opinion as to what might be necessary to be done three years hence.

Mr. O'CONNELL.—But you propose to strike the clause out of the Bill, and leave us to the chance of what may be done in some other Bill. If you leave the clause in the Bill, you give us the franchise in three years; but by striking it out, you render it doubtful whether we shall get the franchise at all. Your principle is, to exclude as many as you can from the franchise. Although poor rates have not been paid for three years, other rates have been paid during that time, and that payment, coupled with three years' residence, ought to give the franchise. I see no reason for postponing, to an indefinite period the prospect of our obtaining the English franchise.

The Committee divided:—Ayes 130, Noes 85; Majority 45.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Bannerman, A.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Berkeley, Hon. H.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Clay, W.
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Serjeant
Dashwood, G. H.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Duke, Sir J.
Dundas, Hon. J. C.
Dundas, Sir R.
Elliot, Hon. J. E.
Evans, Sir de L.
Evans, G.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Guest, Sir J.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Howard, F. J.
Howard, Sir R.
Hume, J.
Hurst, R. H.
Hutchins, E. J.
Hutton, R.
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Lemon, Sir C.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Maule, Hon. Fox
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Ord, W.
Paget, Lord A.
Palmerston, Lord Vt.
Parker, J. (Sheff.)

Parnell, Rt. Hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Price, Sir R.
Ramsbottom, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, Hon. E. J.
Stansfield, W. R. C.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Style, Sir C.
Surrey, Earl of
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Wall, C. B.
Warburton, H.
Wemyss, Captain
Westenra, Hon. H. R.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, Sir M.
Wood, B.

Tellers.

O'Ferrall, R. M.
Wyse, T.

NOES.

Bailey, J.
Baillie, Colonel
Baring, H. B.
Bentinck, Lord G.
Blakemore, R.
Blennerhassett, A.
Broadley, H.
Broadwood, H.
Bruges, W. H. L.
Buck, L. W.
Cholmondley, Hon. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Cochrane, Sir T. J.
Cole, Lord Viscount
Colquhoun, J. C.
Conolly, E.
Corry, Hon. H.
Courtenay, P.
Douglas, Sir C. E.
Dunbar, G.
Du Pre, G.
Eaton, R. J.
Ellis, J.
Estcourt, T.
Filmer, Sir E.
Foley, E. T.
Fremantle, Sir T.
Gaskell, J. M.
Godson, R.
Gore, O. J. R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Rt. Hn. Sir H.
Hodgson, F.
Hodgson, R.
Hope, Hon. C.
Hotham, Lord
Inglis, Sir R. H.
James, Sir W. C.
Jones, Captain
Kemble, H.
Knox, Hon. T.
Law, Hon. C. E.
Litton, E.
Lockhart, A. M.
Lygon, Hon. General
Mackenzie, T.
Maclean, D.
Maunsell, T. P.
Maxwell, Hon. S. R.
Meynell, Captain
Miles, P. W. S.
Norreys, Lord
Peel, Rt. Hon. Sir R.
Peel, J.
Perceval, Colonel
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Powerscourt, Ld. Visct.
Praed, W. T.
Pringle, A.
Rickford, W.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, Lord
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Tollemache, F. J.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Wilbraham, Hon. B.
Young, J. (Cavan)

Tellers.

Jackson, Mr. Serjeant
Shaw, Rt. Hon. F.

Clause, with some verbal amendments, agreed to.

Clause 33. "Qualification of burgesses after three years."

Clause 34. "Rates to be paid up last day of August by all persons previous to enrolment."

Clause 35. "Premises giving the municipal franchise to be separately valued, and rated for the relief of the poor."

Clauses severally agreed to.

Clauses 36. "Public notices to be given of taxes payable in advance."

On the clause being put,—

Mr. SHAW said:—Sir, in this clause I find the following proviso: "And such cess, rate, or tax shall not, for the purposes aforesaid of this Act, be deemed to have become payable until after the completion of such notice." It is provided, that notice shall be given "for three successive days, on some convenient place at or near every court house and town hall within such borough, and by causing the same to be published in three successive impressions or editions of some public newspaper." Now, suppose any one of these three things be omitted, is it intended that the tax shall not be payable? Although it may be quite right to require proper notice, it would be most unreasonable, with regard to the interests of the public, to render the omission of any one of these minute particulars fatal to the validity of the rate.

Mr. PIGOT.—The omission will not exempt the party from liability to the rate. The only effect of the clause is, to prevent persons from being disfranchised who may not have paid in consequence of insufficient notice.

Mr. SHAW.—Sir, the policy of the Act is, that the rates shall be paid; and we ought not to facilitate their non-payment by a provision of this kind.

Mr. PIGOT.—I remember an instance, in 1837, of a rate having been made on a Saturday, payable on that day, an election having been fixed for the Monday following; by which means a vast number of persons were disfranchised who would have paid if they had had sufficient notice.

Mr. GOULBURN.—Sir, I consider this a most extraordinary mode of legislation. A public functionary is here called upon to give notice in a particular form. In

England, the omission of such notice would render the party liable to a penalty. Instead of following the same course in Ireland, you provide that the performance or neglect of duty, on the part of a public functionary, shall have the effect of disfranchising one half the constituency. The better course would be, to state what notice you require, and make it compulsory.

Mr. O'CONNELL. — Sir, you cannot make the notice compulsory. You may punish the party who omits to give it, but you will punish the honest elector at the same time. All that the present clause provides is, that a man shall not be disfranchised if he have not had notice of the existence of the rate which may have been made. It does not take away the remedy for enforcing the rate. The Honourable and Learned Gentleman (Mr. Pigot) has alluded to the circumstance of a rate having been made on a Saturday for a year in advance, when an election was to take place two days afterwards. I consider such a mode of proceeding quite unreasonable, and that the clause now under consideration will prevent its recurrence.

Mr. LITTON. — The Honourable and Learned Gentleman the Member for Dublin must be aware, from the mode in which rates are made, that the parties assessed have abundant opportunities of knowing the fact, without the possibility of being taken by surprise. The notice now required appears to me to be totally useless, inasmuch as by the law of rating, the books are open to the inspection of the ratepayers. I do not believe that the notice is introduced in the clause for that purpose. I believe its effect will be, to prevent the enforcement of the rates. Now, what is the notice required? "The trustees or other persons by whom the same shall be imposed, or by whom any rate, assessment, or order shall be made for imposing or levying the same, shall cause public notice thereof to be given, by posting such notice for three successive days;" that is clear enough, but the clause goes on to say, — "on some convenient place at or near every court house and town hall within such borough." If any one of these places should be omitted, it is evident the rate cannot be enforced: and a second question arises, as to the meaning of the word "near," for some may consider a mile near, while others may not consider one hundred yards near. The notice is also required to be given in "three successive impressions or editions of some public newspaper." Why insert the word "public"? In Dublin, there are many papers which may, perhaps, not be considered public newspapers, and an objection would again arise in that case. I consider that the notice required is only a means of letting in a host of minor objections, and that its effects will be most injurious. With respect to the case alluded to by the Honourable and Learned Gentleman (the Solicitor General for Ireland), I can only say, that I never heard of a rate being laid on for the purpose of disfranchisement.

Mr. PIGOT. — There is no doubt whatever that the fact is as I have stated it.

Mr. O'CONNELL. — Perhaps, Sir, it was laid on by accident, and perhaps the election on the following Monday took place by accident! Now, as to the spirit in which these objections are made, I introduced a clause, in a former Bill, compelling the Bank of Ireland to open an account for all taxes payable in Dublin, to which any one might pay his arrears. That clause went elsewhere, and was stigmatised as diabolical; but I do not think it deserved that epithet any more than the clause which provides that one man shall not be disfranchised by the fault of another.

Mr. SHAW. — Sir, I believe an investigation took place into the circumstance alluded to; when it was denied that the tax was laid on for any such purpose, and proved that it was laid on in the regular way.

Clause agreed to.

Clause 37. "Exceptions as to aliens and paupers."

Clause 38. "Occupiers may claim to be rated."

Clause 39. "In cases where persons occupy premises jointly, each person to be entitled to be enrolled as a burgess."

Clauses severally agreed to.

Clause 40. "How distances are to be reckoned."

On the clause being put, —

CAPTAIN JONES said: — I would suggest the propriety of omitting this clause altogether. It provides that distance shall be computed by the nearest public road. Now, I contend that it would be better to calculate it as the crow flies, otherwise the distance may be continually varying.

Mr. SERJEANT JACKSON. — Sir, I would recommend the fixing of some central point, from which the measurement shall take place.

Mr. PIGOT.—The words are exactly the same as in the English Bill, and I believe no difficulty has been experienced in this respect.

Clause agreed to.

Clause 41. "In cases of titles by descent, &c., how the occupation is to be reckoned."

Clause 42. "No burgess to be elected who is not qualified under this Act."

Clauses agreed to.

Clause 43. "Occupiers, notwithstanding paying rates, may recover or set off the assessment against the party chargeable with the same."

Clause 44. "Persons claiming *bonâ fide* exemption from taxes entitled to be enrolled as burgesses, on payment or tender of one year's tax, but to remain liable to arrears if the claim to exemption be not well founded."

Clause 45. "Declaring what taxes shall be payable in any borough."

On the three clauses being put, —

Mr. SHAW said: — I have a very great objection to these clauses, which were first introduced by the Honourable and Learned Gentleman (Mr. O'Connell). The first allows occupiers voluntarily paying rates to recover them from the person liable; the second entitles the claimant to be placed on the burgess roll, without paying his rates, provided the mayor thinks he has made a *bonâ fide* claim to exemption; and the third declares what taxes are to be payable, — the pipe-water tax of Dublin having been struck out of the list. I object to these clauses for the reasons so well stated by the Lords for disagreeing with this House, when we proposed to restore them; namely, that they contain provisions which are at variance with the general rules of law.

Clauses agreed to.

Clause 46. "Office for receiving taxes to be kept open for one month before the 31st of August in each year."

Clause 47. "Churchwardens of each parish to make out lists, in the first year, of persons qualified as burgesses in each borough."

Clause 48. "Town clerks to make out lists in boroughs in following years."

Clause 49. "Collectors to make lists of persons subject to payment of poor rate, &c. according to Schedule D, No. 6., in this Act."

Clause 50. "Town clerk to print the lists."

Clause 51. "Persons omitted from the lists to give notice to the town clerk. Notices as to person not entitled to be retained in the lists. Lists of claimants, and of persons objected to, to be published, &c."

Clause 52. "Lord Lieutenant may appoint revising barristers for the present year."

Clause 53. "Mayor to revise lists, and, upon due proof, to insert and expunge names. Power to rectify mistakes in the lists."

Clause 54. "Mayor, on revising the lists, to have power of adjourning, of administering oaths, &c., and shall settle and sign the lists in open court."

Clause 55. "Borough list to be kept by the town clerk, and copied into books, with the names numbered. Such book to be the register of voters from which election shall be made."

Clause 56. "No stamp duty payable on enrolment."

Clause 57. "Application may be made to the Court of Queen's Bench in Ireland for a *mandamus* to put a burgess on the roll."

Clause 58. "Applications for *quo warranto* to be made within the term next but one after election."

Clause 59. "Corporations not to become extinct by reason of election not being held on appointed days."

Clause 60. "Provisions of Act of Irish Parliament, 19 Geo. II. extended to elections under this Act."

Clause 61. "Penalty for wilfully and

corruptly expunging, or not inserting, any name. Mayor, town clerk, or churchwarden, neglecting duty, guilty of misdemeanour."

Clause 62. "Copies of burgess roll to be made for sale."

Clause 63. "Expenses of lists how to be defrayed."

Clause 64. "Mayor, aldermen, and councillors to be chosen in every borough."

Clause 65. "Who not qualified to be chosen mayor, alderman, or councillor, or commissioner."

Clauses severally agreed to, with verbal amendments.

Clause 66. "Burgesses to vote for the councillors of the ward in which their property is situate."

On the clause being put, —

Mr. SERJEANT JACKSON said:— At the end of this clause, which provides that burgesses shall vote for the councillors of the ward in which their property is situate, I propose to add the following proviso: "Provided always, that every person entitled to vote in the election of alderman and town councillor in any borough or ward, shall not vote for more than one half the number of the aldermen and town councillors to be elected for the borough or ward in respect of which such person shall be entitled to vote." On the second reading of the Bill, I intimated my intention of moving this proviso, and, in so doing, I hope for the concurrence of the Noble Lord opposite, as well as that of his colleagues. After the speeches which have been delivered in the course of the debates on this subject, I can scarcely believe that the object of the promoters of this Bill is to transfer the power which the Protestants have hitherto enjoyed, to the Roman Catholic party; and yet, if the Bill remains in its present form, such must necessarily be its effect. I stated my fear on this subject when Sir Michael O'Loghlen was Attorney General for Ireland; and that Right Honourable Gentleman then said,—

> I know it has been said, that the inevitable effect of this measure would be, to take the power out of the hands of one party, and to give it to another. I am aware this has been repeatedly said; but, whatever credit may be attached to my assertion, I have no hesitation in saying, that, if I thought this measure would take power from one exclusive and violent party and give it to another equally so (if such a party could be found), it would not have a more determined opponent than myself; but I deny this will be the effect of the measure, though such will be the objection of some Honourable Gentlemen.

Now, I am in a condition to prove that this Bill will transfer the power from the Protestant party to the Roman Catholics; and if I succeed in demonstrating this position, I trust the House will prevent the perpetration of such a mischief. The great fault found with the existing corporations was their exclusive character, and the House is bound, in reconstructing them, to guard against a similar evil. I hold in my hand Returns, from which it is quite manifest that there will be an immense preponderance in favour of the Roman Catholics in all the corporate towns, except Belfast and Londonderry. The following statement will show the Committee the relative proportions of the number of houses occupied by Protestants and Roman Catholics, in various towns, together with the number of inhabitants:

	Inhabitants.	Houses occupied by Protestants.	Houses occupied by Roman Catholics
Cork,	107,000	1634	2766
Dublin,	240,000	4852	9250
Galway,	33,000	153	327
Kilkenny,	23,000	187	420
Limerick,	66,000	683	1517
Waterford,	28,000	617	1183
Clonmel,	12,000	217	535
Drogheda,	15,000	321	559

In Londonderry, which contains 19,000 inhabitants, the number of houses occupied by members of the Protestant Established Church is 473, and by Presbyterians 892, whilst the number occupied by the Roman Catholics is 1471: so that it is only by adding the Presbyterians to the members of the Established Church that the numbers are about equal to the Roman Catholics. The same is the case in Belfast. Now, is it just that you should transfer the power entirely from one party to the other, and thus continue the very vice of which so much complaint has been made? I contend that it is neither right nor politic, for it is an ascertained fact that the bulk of the property is in the hands of the Protestants, and that the smaller houses are occupied by the Roman Catholics. I propose, as an effectual check, that every person voting for town councillors or aldermen shall vote only for one half of the number to be elected. That was the suggestion of a Noble Lord (Earl Grey) in another place, on the English Corporation Bill, and it is the principle adopted in the 77th clause of the present Bill with respect to the election of auditors and assessors. I cannot conceive why the same principle should not be applied to the election of town councillors and aldermen. The object of that provision is, that both parties may be fairly represented, and all I ask of the Committee is, that the principle may be carried out. Another reason why I should urge the adoption of the proviso which I have submitted to the Committee, is the conduct of the Roman Catholic clergy in Ireland. It is well known that they have taken a prominent part in every species of election, denouncing those who are opposed to them. I have received letters from Newry, Limerick, and a variety of other places, conveying loud complaints with respect to the kind of interference in the election of guardians of the poor, by means of which, Protestants have almost everywhere been excluded. One of these letters is from Mr. Vesey, of Queen's County, complaining that a middleman was elected chairman of the board of guardians on the recommendation of the priests, in opposition to Lord de Vesci. In Clonmel, where no Roman Catholic is possessed of large property, only two Protestant gentlemen have been appointed, and I am informed by my correspondent, that in all probability there will not be one. Under these circumstances, I consider it only just that some protection should be given to Protestants under the present Bill. My object is, to have both parties fairly represented; and I trust the Committee will agree to the amendment which I have proposed, on which I certainly intend to divide.

An Honourable Member. — I rise, Sir, to second the amendment.

Question put, "That the proposed proviso be added."

Mr. M. J. O'CONNELL. — Sir, the amendment appears to be so ludicrous that it has driven away nearly one half of the opponents of the Bill. The Right Honourable Baronet the Member for Tamworth shakes his head in a manner which cannot be mistaken, and even the Noble Lord the Member for North Lancashire will not march through Coventry on this occasion with the Learned Serjeant. The Learned Serjeant proposes that no person shall vote for more than one half of the individuals to be elected. I beg to ask how this principle is to be carried out, when only one person is to be elected, or where there are three persons, which will be the case on the first election in Dublin. I think that you will take away the whole value of the Bill by depriving voters of the right of choosing the whole of the individuals who are to be elected.

COLONEL PERCEVAL. — Sir, my Honourable and Learned Friend wishes to prevent the complete transfer of power from the Protestants to the Roman Catholics, which will take place in nine cases out of ten under the present Bill. What has been the case with respect to the Poor Law Bill? A printed list was sent to me from Limerick, signed by the priest, recommending that certain persons should be elected, and every one of the persons named was elected, to the exclusion of the Protestants. There certainly were one or two nominal Protestants on the list ——

[Cries of "Hear, hear!"]

But they were only placed there for the sake of appearances; and I consider them even more objectionable than the honest straightforward Roman Catholics. The list was in reality that of the priest. Unless the present suggestion be adopted, a complete transfer of the corporate power will take place from one party to the other.

Mr. SERJEANT JACKSON. — Sir, the Honourable Member for Kerry has inquired how I propose to get over the difficulty where there are odd numbers to be elected. I beg to say there are no such odd numbers in the schedules to the Bill. I will give the number for four places:

	Wards.	Aldermen.	Councillors.
Belfast,	5	10	30
Clonmel,	2	6	18
Cork,	8	16	48
Drogheda,	3	6	18

And in all the other places enumerated the numbers of aldermen and councillors are even.

Mr. M. J. O'CONNELL. — At the second election there will be three aldermen for each ward.

Mr. SERJEANT JACKSON. — It is very easy to vary the phraseology, by saying that each person shall not vote for more than one half the number to be elected.

LORD JOHN RUSSELL. — I certainly do not agree with the Honourable and Learned Gentleman on this occasion. This Bill gives the power to the majority to elect; and to whatever party the majority may belong, that party of course will be successful. That is the case in England, with regard both to elections for Members of Parliament and municipal elections; and I do not think we ought to act on a different principle in Ireland. I was glad to hear the Gallant Member for Sligo talk of honest and straightforward Roman Catholics. If there be honest and straightforward Catholics, I do not see why they ought not to be elected.

COLONEL PERCEVAL. — I thank the Noble Lord for having noticed that expression. There are many honest and straightforward Roman Catholics; but the great majority are not free agents, for they are under the influence of the priests, who make use of them for the purpose of frustrating the intentions of those who are honest and straightforward.

Mr. W. S. O'BRIEN. — I do not think the Honourable and Learned Serjeant has overcome the difficulty suggested by the Honourable Member for Kerry, as to cases where there are an odd number of councillors to be elected. If the principle of the Honourable and Learned Serjeant be carried out, each voter may have to vote for four and a half candidates, if it should so happen that nine vacancies exist in any borough.

SIR R. FERGUSON. — Sir, I hope the Honourable and Learned Serjeant will not divide.

The Committee divided: — Ayes 35, Noes 102; Majority 67.

AYES.

Archdall, M.
Blackburne, I.
Blackstone, W. S.
Blennerhassett, A.
Broadwood, H.
Chute, W. L. W.
Cole, Lord Viscount
Corry, Hon. H.
Du Pre, G.
Eaton, R. J.
Farnham, E. B.
Filmer, Sir E.
Greene, T.
Halford, H.
Hamilton, Lord C.
Hodgson, F.
Hope, G. W.
Jones, Captain
Litton, E.
Maunsell, T. P.
Maxwell, Hon. S. R.
Meynell, Captain
Miles, P. W. S.
Packe, C. W.
Parker, R. T.
Plumptre, J. P.
Pringle, A.
Rushout, G.
Sandon, Lord Visct.
Shaw, Right Hon. F.
Sibthorp, Colonel
Thomas, Colonel H.
Tollemache, F. J.
Verner, Colonel
Waddington, H. S.

Tellers.
Jackson, Mr. Serjeant
Perceval, Colonel

NOES.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, Rt. Hn. F. T.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Callaghan, D.
Clay, W.
Corbally. M. E.
Curry, Mr. Serjeant
D'Eyncourt, Rt. Hon. C. T.
Dundas, Hon. J. C.
Dundas, Sir R.
Erle, W.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Howard, F. J.
Hume, J.
Hutton, R.
Jervis, S.
Labouchere, Rt. Hn. H.
Langdale, Hon. C.
Lushington, C.
Lynch, A.
Maule, Hon. Fox
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Oswald, J.
Parker, J. (Sheff.)
Philips, M.
Pigot, D. R.
Ponsonby, C. F. A. C.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Sheil, Rt. Hon. R. L.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, A.
Wilbraham, G.
Williams, W.
Wood, G. W.
Wood, B.
Wyse, T.

Tellers.
Stanley, Hon. E. J.
Tufnell, H.

Clause agreed to.

Clause 67. Directing the election of aldermen and councillors.

Clause 68. "One third part of the council to go out of office annually."

Clause 69. "One half of the number of the aldermen to go out of office every three years."

Clause 70. "When day of election falls on a Sunday."

Clause 71. "Elections, how to be held. Mode of voting."

Clause 72. "Polling booths to be provided."

Clause 73. "No inquiry of the voter except as to his identity, and whether he has voted before at the same election. Forms of questions as to these points."

Clause 74. "Poll may be closed if an hour has elapsed without a vote being tendered."

Clause 75. "Result of election, how to be declared."

Clause 76. "Manner of proceeding if any person is elected an alderman or councillor in more than one ward."

Clause 77. "Election of auditors and assessors."

Clause 78. "Council to appoint an alderman in default of the mayor."

Clause 79. "In case of illness of alderman."

Clause 80. "Assessor may appoint a deputy."

Clause 81. "Where the borough is not divided into wards, the elections for the whole borough to be similar to elections in wards."

Clause 82. "Existing mayors and councils of boroughs in Schedule A to go out of office on election of councils under this Act."

Clause 83. "Certain elections not to be had."

Clause 84. "After the commencement of the Act, existing mayors, &c., and officers of boroughs in Schedule B to continue until new election or dissolution."

Clause 85. "The power of mayors and common councilmen to cease on the dissolution of the corporation."

Clause 86. "Justices of the peace to cease on dissolution, except in Carrickfergus, where they are to continue in office until a separate commission shall have been granted to that town."

Clause 87. "The powers of salaried magistrates under Acts of Parliament continued until determined by the Lord Lieutenant."

Clause 88. "Occasional vacancies of councillors to be filled up by fresh elections."

Clause 89. "Occasional vacancies in the office of alderman to be supplied."

Clause 90. "Election of mayor by council."

Clause 91. "The mayor to be a justice of the peace for the borough and for the county, and returning officer at elections of Members to serve in Parliament."

Clause 92. "Mayor, aldermen, councillors, &c. not to act until they have made a declaration of acceptance of office."

Clause 93. "Every burgess elected to the office of councillor, and every councillor elected to the office of mayor or alderman, shall accept the office, or pay a fine to the borough fund."

Clause 94. "Provision for resigning office."

Clauses severally agreed to.

Clause 95. "Any mayor, alderman, or councillor, &c., if declared bankrupt, or insolvent, or absenting himself from the borough, shall lose his office."

On the clause being proposed, —

MR. SHAW said: — Sir, this clause provides that the lord mayor shall not be absent for more than two calendar months, "unless in case of illness or other reasonable cause to be allowed by the council or board of commissioners." I consider that the clause leaves the matter too open. Suppose the Honourable and Learned Gentleman the Member for Dublin were to be elected lord mayor, his attendance in Parliament might be considered a reasonable cause of absence. I think the lord mayor ought to be resident; and that, at all events, two months' absence is quite sufficient. I propose to substitute the word "unavoidable" for "reasonable."

MR. O'CONNELL. — Sir, the case put by the Honourable and Learned Gentleman does not apply. If I were elected lord mayor of Dublin, I could go over once a month with my Recorder.

LORD MORPETH. — I think the word "unavoidable" would be far too stringent, and that the clause had better remain in its present condition.

Clause agreed to.

Clause 96. "Penalty on person not qualified, &c. acting as mayor, alderman, or councillor, &c."

Clause 97. "Persons convicted of bribery disqualified from voting at any elections. Persons offending in any of the cases aforesaid discovering others so offending, within twelve months, discharged from all penalties."

Clause 98. "No person to be made liable to incapacity or penalty, unless prosecution commenced within one year."

Clause 99. "Questions to be decided by a majority of councillors present; one third part of the whole number to be a quorum."

Clauses severally agreed to.

Mr. BROTHERTON. — Sir, I object to proceeding any further with the Bill at this late hour.

LORD MORPETH. — We only propose to take the unopposed clauses.

Clause 100. "Power to appoint town clerk, treasurer, and other officers, and to take security for due discharge of their official duties."

On the clause being proposed, —

Mr. SHAW said: —It is a matter which requires serious consideration, whether the town council should have the power of giving salaries. I think too great a power ought not to be left in the hands of the council to do that which is most objectionable. If the Noble Lord will allow salaries granted in this manner to come under the revision of the Lord Lieutenant, or the Lords of the Treasury, that will, perhaps, be a sufficient check.

LORD MORPETH. — I believe the town councils will not be extravagant in this respect. They are responsible to the ratepayers, and I think the granting of salaries may safely be left in their hands. Besides, it would be unfair to make a distinction between the power of the town councillors in Ireland and in this country, with respect to the fixing of salaries.

Clause agreed to.

Clause 101. Proviso restricting the creation of officers in boroughs.

Clause 102. "Officers to account, &c., according to the orders of the council or board. Summary remedy against officers not accounting, &c."

Clause 103. "Duties of sheriffs performed by other officers to cease on dissolution of corporations in Schedule B."

Clause 104. "Coroners to be discontinued on dissolution of corporations in Schedule B."

Clause 105. "Clerks of market or weighmaster appointed by corporations to continue in their offices as if this Act had not been passed."

Clause 106. "Officers to continue until removed."

Clause 107. "Reservation of certain pensions and allowances."

Clause 108. "Power of council to appoint committees."

Clause 109. "Property of the corporations vested in the commissioners."

Clause 110. "Debts and contracts of corporations may be enforced by the commissioners."

Clause 111. "Property vested in the commissioners to be subject to the claims of creditors, &c. of the corporations."

Clause 112. "Commissioners empowered to bring and defend actions, and compromise and settle accounts."

Clause 113. "Commissioners to keep an account of the property of the corporation, which shall be called the town fund of the town."

Clause 114. "Commissioners to pay debts due from corporations."

Clause 115. "Commissioners may insure buildings and manage revenues."

Clause 116. "Commissioners may appropriate public buildings to public purposes, for the benefit of the towns."

Clauses severally agreed to.

Clause 117. "Charitable trustees."

On the clause being put, —

Mr. SHAW said: — I would suggest to the Noble Lord the propriety of continuing the power of charitable trustees until the 1st of November, 1841, instead of the 1st of November, 1840, before the right to appoint shall vest in the Lord Chancellor.

LORD MORPETH. — I have no objection to extend the time until the 1st of March, 1841.

Mr. SHAW. — Sir, I would suggest, on the precedent of the South Grammar School, the insertion of the following proviso at the end of the clause: — "Provided also, that nothing herein contained shall extend, or be construed to extend, to any corporation of a house of industry, fever hospital, or county infirmary in Ireland, or to the president and assistants of the charitable society of Belfast, or to the hospital and free school of King Charles the Second, Dublin, commonly called the Blue Coat Hospital, or any real or personal estate belonging thereto."

LORD MORPETH. — I do not see that any useful object would be gained by the insertion of such a proviso.

Mr. SHAW. — I also think there ought to be a proviso respecting the shareholders in the city of Cork.

Mr. PIGOT. — It is my intention to prepare a clause, carefully guarded, on the subject of the Cork shareholders.

Clause agreed to.

Clause 118. "Corporation to execute trusts."

Clause 119. "As to election of a limited number of councillors to be joint trustees for certain purposes. Saving provisions of local Acts in towns in Schedule B. Other corporations, of which any body corporate named in the schedule, or any of its members, form part, to be continued."

Clause 120. "Provision for the election of future trustees."

Clause 121. "Present trustees of certain Acts continued for a definite time."

Clause 122. "Powers vested in trustees may be transferred to councillors."

Clause 123. "Provision for additional constabulary force."

Clause 124. "Payment of the additional constabulary force."

Clause 125. "Power for council to order parts of borough, not within local Acts as to lighting, to be included in such Act. Proviso as to amount of rate for lighting."

Clause 126. "Council may assume the power of commissioners under 9 Geo. IV. c. 82., for lighting streets of any borough."

Clause 127. "Council to have power to make bye-laws."

Clause 128. "Bye-laws to be printed."

Clause 129. "As to breaches of bye-laws."

Clause 130. "All corporate property and all fines to be received on account of the borough fund."

Clause 131. "Treasurer to pay no money but by order of council."

Clause 132. "Orders for payment of money may be removed into the Court of Queen's Bench in Ireland by *certiorari*."

Clause 133. "Salaries of recorder, town clerk, treasurer, and other officers, and election expenses, to be paid out of such fund."

Clause 134. "Tolls or dues payable before the passing of this Act not to be altered or reduced until payment of the debt chargeable thereon. Commissioners may abolish tolls."

Clause 135. "Council authorised to raise funds for payment of expenses incurred in carrying this Act into execution."

Clause 136. "Appeal to the recorder or assistant barrister of the county."

Clause 137. "Act not to render corporate property liable for debts not chargeable thereon, nor to authorise the levy of new rates for payment of debts."

Clause 138. "Accounts of receipts and disbursements to be kept, audited, and published."

Clause 139. "Councils to transmit yearly accounts of income and expenditure to Lord Lieutenant, and an abstract thereof to be laid before Parliament and published."

Clause 140. "Provision for auditing accounts of the Cork Wide Street Commissioners."

Clause 141. "Remedy for misapplication of property. Proceedings not liable to stamp duty."

Clause 142. "Power of sale and leasing restrained. Provision in certain cases of leasing."

Clause 143. "Commissioners of Treasury may authorise other dispositions."

Clause 144. "Leases of certain buildings, and of ground for building on, or for making gardens &c., may be made for 75 years."

Clause 145. "Collusive purchases, sales and demises of corporate property, since the 5th of June, 1835, for undue consideration, may be set aside."

Clause 146. "Proceedings before the jury."

Clause 147. "Lord Lieutenant may direct special cases not to be questioned."

Clause 148. "This Act not to give validity to any disposition of lands."

Clause 149. "Sale of advowsons, &c."

Clause 150. "Certain provisions of 1 & 2 Vict. c. 39. extended to Ireland."

Clause 151. "Provision respecting the warden and vicars choral of Galway."

Clauses severally agreed to.

Clause 152. "In cities and towns which are counties, sheriffs to be appointed."

On this clause being put, —

Mr. SHAW said: — Sir, I hope the Noble Lord will consent that sheriffs shall be appointed by the Lord Lieutenant, as in counties at large, instead of being chosen by the town council.

LORD MORPETH. — I cannot consent to an alteration which will take away the right of choosing the sheriffs.

Clause agreed to.

Clause 153. "Provision for the continuance in office of existing sheriffs."

Clause 154. "City and county of Londonderry to be a county, the sheriff of which to be nominated by the Crown."

Clause 155. "In certain boroughs council to appoint a coroner."

Clause 156. "Coroners to make returns to Lord Lieutenant."

Clause 157. "County coroners to act in other boroughs."

Clause 158. "Coroners of boroughs, in certain cases, may appoint deputies."

Clause 159. "For the visiting of gaols."

Clause 160. "For authorising contracts for the maintenance of prisoners."

Clause 161. "Commission of justices of peace to be issued for certain boroughs."

Clause 162. "Council may make byelaws, on which the Crown may appoint salaried justices."

Clause 163. "Council to provide a police office."

Clause 164. "Justices need not be qualified by estate."

Clause 165. "How far summonses and warrants may be enforced."

Clause 166. "Justices to appoint a clerk, who shall not be the town clerk or of the council, nor be concerned in the prosecution of offenders committed by the borough justices."

Clauses severally agreed to.

Clause 167. "Recorder to be appointed by Her Majesty in certain boroughs."

On the clause being put, —

Mr. SHAW said: — As the present clause has no reference to my office, I have been requested by some recorders in other boroughs, where the duties are to be increased and the salaries are inadequate, to move the following amendment: "Provided also, that if in any case the Lord Lieutenant shall consider that the salary of any recorder or deputy recorder of any such borough is an inadequate remuneration for the several duties to be performed by him under the provisions of this Act, it shall be lawful for Lord Lieutenant to direct an increased salary to be paid to such recorder or deputy recorder by the treasurer of such borough out of the borough fund, who shall pay the same accordingly."

Mr. PIGOT. — I will postpone the clause, and consider it.

Mr. SHAW. — At the end of the clause I wish to add the following proviso: — "Provided always, and be it enacted, that in every case in which any court of quarter sessions of the peace for a county shall be holden in any borough named in the said Schedule B, or within seven miles thereof, at the time of the incorporation of such borough, in pursuance of such petition as aforesaid, no grant of a separate court of quarter sessions for such borough shall be made, notwithstanding any petition for such grant, so long as such court of quarter sessions for the county shall continue to be so holden as aforesaid."

Proviso negatived; Clause postponed.

Clause 168. "Recorder of the city of Dublin."

Clause 169. "Existing courts of record in boroughs in Schedule B to be continued until determined by the Lord Lieutenant."

Clause 170. "Recorder to be a justice of peace for the borough."

Clause 171. "Justices to make declaration before acting."

Clauses severally agreed to.

Clause 172. "Sessions of the peace to be held for the borough, of which the recorder is to be the sole judge. Justices to exercise jurisdiction as to licences."

On the clause being put, —

Mr. SHAW said: — I propose, as an amendment, to omit the proviso giving jurisdiction to borough justices, because I think they cannot discharge those duties with satisfaction either to themselves or the public.

Mr. PIGOT. — There must be some jurisdiction on this point, and I think there cannot be a better authority than the justices acting in open court.

Mr. LITTON. — I think the most proper person is the recorder, who is not accessible to private applications, and who is not so likely to favour the parties as the justices may be. I hope Honourable Gentlemen will not insist on this clause being passed in its present shape, for it will only lead to the necessity of having it set right elsewhere.

LORD MORPETH. — I do not think the House is to be intimidated by the threat of being set right elsewhere. I shall certainly object to the amendment, because the recorder cannot have such an opportunity of judging of the character of the parties as the justices have.

Amendment negatived; clause agreed to.

Clause 173. "Mayor, in the absence of the recorder, may open and adjourn the court."

Clause 174. "Capital jurisdictions, and all other criminal jurisdictions in boroughs other than are specified in this Act, abolished."

Clause 175. "Offenders committed to borough sessions whose jurisdiction is taken away, to be tried in the adjoining county."

Clause 176. "County justices to have jurisdiction in all boroughs which have not a separate court of sessions of the peace."

Clause 177. "Chartered Admiralty jurisdictions abolished."

Clause 178. "Jurisdiction of court of record."

Clause 179. "Appointment of clerk of the crown and clerk of the peace."

Clause 180. "Appointment of officers of court of record, &c."

Clause 181. "Existing suits not to abate by reason of the change of jurisdiction."

Clause 182. "Who to be jurors."

Clause 183. "Justices, &c. exempt from serving on juries."

Clause 184. "Proceedings by attachment in court of record. Process by foreign attachment."

Clause 185. When the proceedings shall be by civil bill."

Clause 186. "Form of proceeding."

Clause 187. "Attorneys of court of record."

Clause 188. "Court of conscience."

Clause 189. "Lord Lieutenant, with consent of Privy Council, may appoint a court of conscience under the regulations of the Act, in the same or any other town."

Clause 190. "Regulating the office of president of the court of conscience."

Clause 191. "Proceedings in courts of conscience."

Clause 192. "Order of court of conscience."

Clause 193. "Rehearings and appeals upon cases in court of conscience."

Clause 194. "Books of proceedings to be provided and kept."

Clause 195. "Clerks, &c. of courts of conscience to be appointed by the judge."

Clause 196. "Fees payable to the clerk of the peace, clerk to the magistrates, and registrar and officers of the court of record."

Clause 197. "Clerks to justices to be entitled to fees chargeable under Act 7 & 8 Geo. IV. c. 67."

Clause 198. "Table of fees to be hung up."

Clause 199. "Application of penalties."

Clause 200. "Limitation of time for prosecution of offences punishable on summary conviction under this Act, and summons of offenders."

Clause 201. "Power to summon witnesses. Penalty for disobedience of summons, &c. No witness or justice to be incompetent on the ground of rateability."

Clause 202. "Payment of penalties, and mode of levying the same."

Clause 203. "Form of conviction."

Clause 204. "Appeal against convictions under this Act."

Clause 205. "No *certiorari*, &c. As to informality in warrants, &c."

Clause 206. "Limitation in proceedings against persons acting under this Act. Notice of action. General issue. Tender of amends, &c."

Clause 207. "Saving the rights of the governor and assistants of London of the new plantation in Ulster, and of lords of manors."

Clauses severally agreed to.

Clause 208. "Officers to receive compensation on removal."

The clause having been put, —

MR. SHAW said: — I wish to put it to the Committee whether those persons who, since August, 1836, have been elected officers *bonâ fide* for discharging the functions of the corporation ought not to receive compensation? A hope was held out that something would be done for them; and it will be a great hardship if their case is not taken into consideration.

MR. PIGOT. — If any particular case of hardship can be made out, undoubtedly it will receive consideration.

MR. LITTON. — I think it would be unjust to deprive the four or five persons who will be affected by this clause, of their offices, without compensation. I trust that every one who holds office, place, or employment will have such compensation as the tribunal, to whom the general compensation under this Act shall be referred, shall decide.

MR. PIGOT. — I am of opinion that a general sweeping enactment, letting in those persons with regard to whom there has been distinct legislation, would not be a proper proceeding. It would be far better to make a distinct enactment for the particular cases under this Bill. I have not heard any distinct proposition on this subject. One gentleman, it is admitted, has been the law agent of the corporation since the year 1836.

MR. SHAW. — If anything of this kind be done, it must be done by those connected with the Government. Will the Honourable and Learned Gentleman bring forward any clause to meet this particular case? If so, these gentlemen may be enabled to bring before him the particulars of their own cases.

LORD MORPETH. — Sir, I agree with the Honourable and Learned Gentleman near me, that there ought not to be any general dispensation with the law on this subject. Certainly, if any particular cases are brought under our consideration, we shall have no objection, before the Bill is reported, to consider whether we ought to make a special proposition to the House on the subject.

MR. SHAW. — I propose to insert in this clause the Treasury minute, which gives an appeal to the Treasury in cases of compensation. It is impossible to insert that minute in the English Act; but as it is acted on, I cannot see any objection to introducing it into the present clause, which corresponds with the clause in the English Act. It will make the law more simple if this minute be set out.

LORD MORPETH. — I must consult the Chancellor of the Exchequer before giving an answer.

Mr. LITTON. — Sir, I wish to propose, with a view of carrying out still further the views of my Right Honourable Friend, that if any officer holding a place of profit under a corporation, shall resign his office within three months after the passing of the Bill, in such case he shall be entitled to compensation as if he had been removed. I do not deny that this provision is introduced at the instance of those gentlemen who believe that their situations will be made uncomfortable under the proposed Act.

LORD MORPETH. — Perhaps the Honourable and Learned Member would include all those who would rather retire on a compensation than perform the duties of their office. If so, he must make his clause a great deal more comprehensive. But I do not think that he has the least idea such a clause will be acceded to.

Mr. SHAW. — The appointments to some of the offices have been made within these four years, and I think it would be unjust to deprive the present occupants of them without compensation.

Mr. PIGOT. — The persons who have taken office within that time had sufficient notice that they would not be entitled to compensation upon the abolition of their offices.

LORD MORPETH. — Although I cannot consent to any general measure giving compensation to all the parties affected, I have no objection, as I said before, to consider any case of peculiar hardship.

Clause agreed to.

Clause 209. " Compensation to junior aldermen of Dublin."

Clause put.

Mr. SHAW. — I would suggest that some consideration ought to be given to the junior aldermen of Dublin, who, in the course of three or four years, would have succeeded to the office of lord mayor. I feel particularly for Alderman Drummond, who, after having gained the general respect of his fellow citizens, was just within the reach of the utmost object of his ambition, by becoming lord mayor, when he is interfered with by the present Bill. The persons to whom I have alluded will also be deprived of the emoluments attached to the office of president of the court of conscience, to which they would have been entitled after filling the office of lord mayor. I think they are fully entitled to compensation in this respect.

LORD MORPETH.—I can only reply, as in the other cases, that their claim may be considered hereafter. Perhaps the clause had better be struck out.

Clause struck out accordingly.

Clause 210. " Compensation to be secured by bond or certificate under common seal."

Clause 211. " When the Act shall come into operation."

Clause 212. " Periods connected with the first registration and election may be deferred by Orders in Council."

Clause 213. " Interpretation clause."

Clause 214. " Act may be altered this Session."

Clauses severally agreed to.

Mr. BLAKE. — Sir, I beg to move that the Chairman report progress.

The House resumed.

Committee reported progress. To sit again this day.

LAW OF EVIDENCE (SCOTLAND) BILL.

Committee deferred till Monday, 9th March.

SUPPLY.

Resolution reported: —

That 35,165 men be employed for the sea service for thirteen lunar months, to the 31st day of March, 1841, including 9000 Royal Marines and 2000 boys.

Resolution agreed to.

MARINE MUTINY.

Bill for the regulation of Her Majesty's royal marine forces while on shore, ordered to be brought in by Mr. MORE O'FERRALL and ADMIRAL ADAM.

SUPPLY.—WAYS AND MEANS.

Committees deferred till Wednesday.

INLAND WAREHOUSING BILL.

Second reading deferred till this day.

SALE OF BEER ACTS.

Report thereupon deferred till Wednesday.

RETURNS.

Commissions. — On the motion of COLONEL SIBTHORP, return ordered—

Of the number of Commissions issued or appointed by Act of Parliament since 1830; in continuation of Returns printed by order of the House of Commons, the 1st day of May, 1838, and to be made up to the latest period.

Postage (Public Departments). — On the motion of Mr. ROBERT GORDON, account ordered—

Of all sums charged to or paid by each public department, on account of postage, from the 10th day of January to the 20th day of February, 1840.

Merchant Seamen.—Returns.

Trade and Navigation. — Annual accounts.

Metropolitan Police.—Return.

(Severally presented 21st February).—To be printed.

Adjourned at a quarter before two o'clock.

HOUSE OF LORDS, MARTIS, 25° DIE FEBRUARII, 1840.

APPEALS.

De Montmorency *v.* Devereux. — Further and fully heard, and decree varied, by directing the letter of the appellant, dated the 18th of April, 1829, to be delivered up by the respondent to the appellant; and the decree in all other respects affirmed, but without costs.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company. — In part heard, and adjourned to Thursday next.

Gibson *v.* Ross. — To be heard on Thursday next.

M'Can *v.* O'Farrell, *et è contra.* — Copies of pleadings and proceedings on the part of the appellant. — Delivered (on oath) at the bar.

RETURNS.

Return (being a continuation of the Returns presented on the 4th of March, 1836) of bills filed in Exchequer; causes, &c. set down to be heard; decrees and orders made; causes, &c. ready for hearing on the first day of each term and at close of sittings after each term; from the 29th of February, 1836, to the 31st of January, 1840 (delivered on the 5th instant). — To be printed.

Return (being a continuation of the Returns presented in 1836) of the number of causes, exceptions, further directions, pleas, and demurrers set down to be heard in and for, and of the number of decrees and orders made on hearing the same, in the years 1836, 1837, 1838, and 1839, and to Hilary Term, 1840; distinguishing those set down and heard and disposed of at the Rolls from the others, and, since the establishment of the Vice Chancellor's Court, specifying how many of those set down before the Lord Chancellor have been heard in his court, and how many by the Vice Chancellor: Also,

Return of the number of causes, exceptions, further directions, pleas, and demurrers ready for hearing on the first day of each term, and also at the close of the sittings after each term, in each of the above years, before the Lord Chancellor: And, also,

Like Returns as to those before the Master of the Rolls:

(Severally delivered yesterday). — To be printed.

EARL OF DYSART'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Tuesday next.

CHARLES BROWNE MOSTYN.

Petition of, for a Bill. — Read, and referred to two English judges.

VAUX BARONY.

Petition of Lord Vaux of Harrowden, praying that the several deeds, documents, and writings lodged by the petitioner may be delivered to his agent, Mr. William Witham, of 8. Gray's Inn Square, solicitor. — Read, and ordered as prayed.

CHARD CANAL BILL.

Brought from the Commons, and read a first time.

CHURCH BUILDING ACTS AMENDMENT BILL.

To be read a second time on Thursday next.

SCOTCH CHURCH PATRONAGE.

The EARL of HADDINGTON presented a petition praying that some measure may be adopted for settling the question of patronage, — of heritors, elders, and others of Liberton.

MAYNOOTH COLLEGE.

LORD KENYON presented petitions against any further grant of money for the support of, — of inhabitants of Penley; and Badingham.

Read, and ordered to lie on the table.

EAST INDIA COMPANY.

Petition of the East India Company (presented on the 14th instant), complaining of many grievances set forth in their petition, and praying for relief. — Referred to a Select Committee, to consider and report: the Committee to meet on Thursday next, at a quarter before five o'clock: the Lords following were named of the Committee: —

The Lord President,
The Lord Privy Seal,
The Earl Graham,
The Earl Amherst,
The Earl of Burlington,
The Earl of Ripon,
Lord Kenyon,
Lord Fitzgibbon,
Lord Ellenborough,
Lord Colchester,
Lord Bexley,
Lord Penshurst,
Lord Melros,
Lord Heytesbury,
Lord Ashburton,
Lord Glenelg,
Lord Lurgan,
Lord Colborne,
Lord Monteagle of Brandon.

AFFAIRS OF SPAIN—CONVENTION OF BERGARA.

The MARQUESS of LONDONDERRY. — I can assure your Lordships that it is with great diffidence and much embarrassment I rise to address you on a subject which, I am free to confess, does not now possess the same degree of interest that formerly belonged to it. I also feel that I rise under considerable disadvantage, in consequence of the absence of my Noble Friend the Illustrious Duke, who, I will say, understands the foreign policy of this country and the affairs of all Europe better than any other man in this kingdom, — not excepting the Noble Viscount at the head of Her Majesty's Government, or the Noble Lord the Secretary for Foreign Affairs. But, before I proceed to address your Lordships, I am ready to state, in justice to those Noble Lords, that I believe they and their friends unanimously feel, in common with me, the deepest regret at the absence of the Noble and Illustrious Duke, and that we have not, on this occasion, the assistance of that wisdom and discretion of which your Lordships have so many times experienced the value, when the foreign affairs of England have been brought under consideration. I am sure that among your Lordships there is, and can be, only one prayer on this point, and that prayer is, that the Illustrious Duke may soon be again amongst us, in perfect health, and ready to enlighten us by his wisdom and his counsel. I confess that, after the various discussions which have taken place in this House, and elsewhere, on this subject, especially since the commencement of the present Session, it requires some degree of nerve on my part to return, at all, to Spanish affairs, or to the foreign policy of this country. I own that I feel the greater embarrassment, because, from what is going on in another place, it appears that the chief interest of the public is now confined to the question of the privileges of the House of Commons, and to the propriety or impropriety of sending a Mr. Howard, the attorney, to gaol. Your Lordships have also been entertained with several interludes on the progress of what is called "Socialism." Now, all this proves that the attention of the country is directed solely to its own immediate concerns; and the consequence necessarily is, that the mode in which our foreign affairs are conducted is hardly ever mentioned, except in a desultory manner. I, however, cannot but remember that the Noble Earl (Earl Grey), the father of the Reform Bill, stated that he considered that this House could never be better employed than in discussing the foreign policy of the country. I likewise remember that a Noble and Learned Lord (Lord Brougham) — whom I regret not to see now in his place, because he always adorns the debates by his eloquence, and elucidates them by his powerful reasoning, — I remember hearing that Noble and Learned Lord say that the foreign policy of the Government ought always to be before the country. The Lord Privy Seal (the Earl of Clarendon) likewise, on a former occasion, stated his anxiety to have the foreign policy of the country discussed. More particularly did he express himself anxious "to have a field day" on the affairs of Spain, in order that we might have an opportunity of justifying the policy which has been pursued in that country. I am not unwilling to give that Noble Lord the opportunity of advantageously displaying those abilities which I shall be the first to admit and to honour.

Having stated the embarrassments under which I labour, as incidental to the subject which I am about to bring forward, I beg to be permitted to say one word as regards myself. Your Lordships may ask why I should take upon myself to be constantly bringing this subject forward? To that I will reply, that, in early life, I was intimately connected with that country; — I, perhaps, was the first British officer who landed in Spain. I accompanied Sir John Moore through the whole of his campaign; and, during the years 1813 and 1814, I served in that country under my Noble and Illustrious Friend the Duke of Wellington. I have taken a very great interest in everything connected with Spain since that time. I have recently made a tour through that country, and I will say, that the kindness and attention which I received, both from the Carlists and Christinos, has further increased my interest in that interesting kingdom. I deplore the course which Her Majesty's Ministers have pursued in their foreign policy towards that country, and I attribute, in a great measure, the misery which Spain has endured for the last six years to that policy. I am free to confess, that, during the last six months, a great change has taken place in the character of the war in Spain. I am free to confess, that there has intervened a temporary suspension of the war, which has been carried on for the last six years; but how has that suspension been accomplished? The army which, during that period, sustained the attacks of the Noble Viscount's Auxiliary Legion, — assisted, too, by the fleets of this country, blockading part of the Spanish coast on one side, and aided by the effective blockade of the Pyrenees on the other, — that army, I admit, no longer exists. But how has that gallant army been annihilated? Was it broken up and destroyed in action? Did the Duke of Vittoria annihilate it by planting his victorious standard on the lines of the Carlists? However great the Duke of Vittoria may be, I must say that he is not great on the field of battle, — he loves not turmoil, — he loves a life of repose and quiet, and seems to be one of those officers described by the Noble Viscount the other night, who have earned their distinctions in other places than the field, and by other means than arduous service. He cannot boast that, by any great battle, he drove the defeated Carlist legions into the sea by the force of his arms or the skill of his combinations; neither can he boast that, by fair and just negotiation, the measure of their destruction was accomplished. Your Lordships have now before you the transaction by which this event was brought about, — a transaction the most treasonable and treacherous that has ever been recorded.

I confess that, in moving for these papers, my great desire is, to show that the character of British officers and of the British Government has had no share whatever in this transaction, because all Europe, from one end to the other, resounds with the astounding treachery of this proceeding. It will therefore be very satisfactory if the Noble Viscount can, by documents laid before the House, prove that the British Government have had nothing to do with this treacherous negotiation. I know that it has been said in another place that Government have had no share in these transactions. That statement may be satisfactory to the Government; and, unfortunately, they have an idea that what is satisfactory to them is also satisfactory to the country at large. Such, however, is not the case. It is a singular circumstance, that when, on a former evening, I mentioned the treasons of Maroto, the Noble Viscount and the Noble Lord the Secretary for Foreign Affairs both evinced a wish, in their tender sympathy, to commute these abominable treasons into a "return to allegiance." If I believed that the Noble Viscount could entertain such principles, badly as I already think of his politics, I should think still worse of their dangerous consequences. I shall take the liberty, with respect to this man's conduct, to refer to a publication which has been sent to me, as an individual supposed to take an interest in the affairs of Spain; and to which I beg to call the attention of your Lordships. I admit that I have formed, and I conceive it is just that I should form, my opinions on statements thus made to me; and, until I have better evidence, I shall continue to do so, especially as I know that the statements to which I refer are generally credited in those portions of Spain which I have recently visited. I repeat that I have good reason for coming to the conclusion which I have arrived at with reference to these documents; and, unless the Noble Viscount and his colleagues produce counter-documents to meet those statements, I shall rely on their accuracy. The gentleman who supplied me with this publication says, —

> I pledge my honour and veracity for the correctness of these statements. Your Lordship is perfectly at liberty to use this information as

> you please, and you will find, on inquiry, that the facts will fully bear out the accusation made against the Government.

This communication is signed "M. G. Mitchell." In the course of the work, I find reference made, in two places, to Lord John Hay and Lord Palmerston, with regard to the communication which they had with Maroto, at Bilboa, and to a second communication at Nuovabera. After the second communication had taken place, Maroto, on the 28th of June, issued a most loyal proclamation, to the words of which I wish to draw your Lordships' attention, as they clearly prove the treachery of the man. The proclamation was issued by Maroto at the very time when he was in correspondence with Espartero, and with our commodore on the station, through the medium of a flag of truce. In that proclamation, he expressed himself thus: —

> The king and our holy religion are the sacred objects confided to our defence. If our enemies attempt to disseminate disunion and discord amongst us, let us prove by the loyalty of our conduct that their intrigues can never succeed. Base and vile factions find no response in the hearts of Royalists, armed for the most sacred cause.

In another proclamation, dated August 29. 1838, he adopted similar language. It was this: —

> The God of armies will protect the cause of the best of kings. A sacred obligation imposes upon us the duty to conquer or die.

And again in July, 1839, he published the following sentiment in a proclamation: —

> In vain do inhuman intriguants spread reports of negotiations. There never can exist any between two parties whose principles are so entirely opposed. Let our constant device be, "The King, and our religion!" We must triumph or die; — *les armes à la main!*

These were the observations of a man who, at that moment, according to the best information which I can obtain, was in actual correspondence with Lord John Hay, and also with the military authorities on the spot, — I mean Colonel Wylde and the other officers who were there. His conduct is distinctly alluded to in the work to which I have adverted, and in a manner which powerfully exhibits the treacherous nature of his proceedings. Speaking of this last proclamation, the writer observes, —

> Au moment même où il publiait cette proclamation, il écrivait à Lord John Hay, lui promettant de lui livrer, D. Carlos et les provinces dans un delai de 15 jours.

In another place it is stated, —

> A son arrivée en Biscaye, Maroto marcha résolument vers le but qu'il s'était proposé depuis long-temps, de livrer D. Carlos et son armée aux Christinos. Sa correspondence avec Espartero reçut un surcroît d'activité, et ses démandes furent exorbitantes: les réponses d'Espartero, d'abord évasives, devinrent moins satisfaisantes dès que par la prise de Ramales et autres points il se fut avancé en Biscaye. Marato effrayé, s'adressa à Lord John Hay, pour le prier de lui obtenir des promesses positives d'Espartero, et s'il était possible la garantie de l'Angleterre. Lord John Hay y consentit, et s'étant entendu avec Espartero, il expédia un officier porteur de dépèches à Lord Palmerston. Ce Ministre fut si enchanté des propositions faites par Maroto pour trahir son maitre, que dans sa joie il oublia sa circonspection accoutumée, et fit part de ses espérances: son confident fut probablement indiscret, puisqu'un ami de D. Carlos reçut la lettre suivante.

After all this, what can be said in favour of such a man, and what can prevent Maroto's name from passing to posterity as a landmark of baseness and infamy? Like a Tartuffe for hypocrisy, and Don Quixote for chivalric folly, he will be followed by the hatred of his victims and the scorn of honest men of every country. Incapable of remorse for having betrayed his king, he may yet regret his having done it at such a price; for the loyal Castilians will turn blushingly away from him. While I feel it necessary to make these statements, I must say that it will be most satisfactory to me if Her Majesty's Ministers can prove that the British Government have been no parties to this scandalous treason. I think we ought to be informed distinctly whether such an individual as Maroto can, for a single moment, be countenanced by the Noble Viscount. He has, it appears, proceeded to Madrid, and left the scene of his treachery. But how can any confidence be placed in such a man? Having shamefully betrayed Don Carlos, may he not also prove a traitor to the cause of the Queen? This individual has, nevertheless, been decorated with the Grand Cross of Isabella, as the reward of his treachery. Is it possible that the Spanish Government could have thus encouraged him, if the country were regulated by the common principles which govern other nations? I suppose, from the honours already bestowed on Maroto, that, were he to come over to this country, the Noble Viscount opposite would invite him to dinner; or, possibly, introduce him to court in company with Mr. Owen. I confess, however, that I hope better things. I hope that this country will, at least, show that treachery is not the road to eminent glory, or the means by which honours and wealth are to be procured,—here. I hope that the fair fame and spotless reputation of England will not be stained by any connection with such transactions as I have described, or by any sympathy with, or support of, one whom every honest heart must detest. I hope — and I express that hope with the strongest assurance and belief in its fulfilment — that the Noble Viscount will never uphold such a man as the traitor Maroto. I shall now allude to that portion of Her Majesty's Speech which expressed the satisfaction of Her Majesty with the present state of affairs in Spain. The words of the speech were these: —

> I rejoice that the civil war which had so long disturbed and desolated the northern provinces of Spain has been brought to an end by an arrangement satisfactory to the Spanish Government, and to the people of those provinces; and I trust that, ere long, peace and tranquillity will be re-established throughout the rest of Spain.

Now, I do not see how an arrangement concluded as the one in question has been can be called satisfactory. As for the Basque provinces being satisfied with it, we all know that those provinces will not be content unless they obtain their privileges; while the object of the Queen's Government has been, throughout, to do away with those privileges. Espartero merely held out a promise that he would do his utmost to obtain their ratification; but he has sent forth nothing in the shape of a guarantee on which the people of those provinces can rely. In fact, all the acts of the Government are entirely opposed to the wishes of those people. The great object which Maroto had in view was to get possession of the post of Bergara; but, notwithstanding the promises that have been made, the people are still so dissatisfied that they unite, even in those provinces which are said to be most contented, for the purpose of asserting their rights. Will the Noble Viscount seriously assert that the people are satisfied with the manner in which this temporary pacification has been effected, when he finds them still demanding their privileges? For my own part, I look upon the existing pacification as a deceitful lull, the forerunner of a dreadful hurricane; because I feel certain that, before these provisions are really settled, the rights which they demand must be conceded to them. The King of the French, in his speech to the Chambers on the 23d of December, treated the subject in a different manner. He did not admit that Spain was pacified. He said —

> A great change has been produced in the situation of Spain; and if I have to regret that it is not in my power yet to announce to you that the civil war, which has for so long a time desolated that kingdom, is entirely extinguished, I have to observe, that it has lost that character of gravity which might have occasioned fears for the stability of the throne of Isabella II. The great portion of the provinces of the north is pacified, —

(Not as stated in Her Majesty's Speech, "the war has been brought to an end") —

> and everything justifies the hope that it will not be long until those of the east are equally so. This important result is the produce of the wise policy of the Government of the Queen Regent and of the persevering valour of the Spanish armies, sustained by the support given to them by my Government and by that of Her Britannic Majesty, in faithful execution of the treaties of 1834.

Then, for the first time, was it stated by the King of France that the Basques were momentarily pacified, and that that had been accomplished by the united exertions of France and England. But that, even, was not the fact. The army of Don Carlos successfully resisted the united armies of the two countries; and it was at last annihilated, not by their united exertions, but by treason. Her Majesty's Government have not stated that the success of the Christinos arose from their intervention, and from that of France. They did not like to do that. They did not dare to adopt the course which has been pursued by the French King, and boldly state the success of British arms in Spain. They know full well that it would be condemnatory of their own policy to do so. They know that the system of attacks which was adopted by their own men — their own pet legion — failed, with disgrace. They know that, almost for the first time on that ground, English troops were beaten and driven back; and they durst not, therefore, recur to the military efforts of these men, because they know that at the same time they would only be giving increased publicity to their own disgrace. I say, then, that the annihilation of the Carlist army was accomplished by treason, and by treason alone. But for that treachery which I have this evening narrated, the same civil war would be still raging with its wonted fury and destruction. Why, my Lords, despite the treachery which has been used against them, despite the foul means which have been adopted to gain an undeserved and ignoble victory, General Garcia has himself stated that the Carlist army is, even now, more strong in numbers, better disciplined, better provided with all the great necessaries of warfare, better able to resist their enemies, than at any previous time. On the whole affairs of Spain, I state with regret, that the policy of Her Majesty's Administration has been most unfortunate. What, I ask, has been gained by this war; and what loss has it occasioned?

It has, on the whole, occasioned a loss of 50,000,000*l.* sterling, and 150,000 lives. Such has been the horrible expense of this contest. But what has been the cost to Great Britain? I will show what that cost has been, according to Returns which I moved for last year, over which I have looked very accurately.

EXPENSES OF THE WAR IN SPAIN, TO ENGLAND, FROM 1834, TO JULY, 1838.

	£	*s.*	*d.*
Hire of the Prince Regent and Parmelia transports, for bringing home the men of the British Auxiliary Legion . . .	1,281	7	9
Naval stores, provisions, medical charges, &c., to Spanish Government	3,139	19	3
Medical stores to Spanish Government	572	2	6
Arms to Spanish Government .	487,060	0	0
——— Auxiliary Legion .	68,200	0	0
——— artillery under Lord John Hay	971	0	0
Extra pay to officers and men of the Ordnance corps . .	1,000	0	0
Stores to Spanish vessels of war refitted and repaired in our ports .	3,798	14	1
FROM JULY, 1838, TO JUNE, 1839.			
Supplies for service of the Spanish Government	1,905	0	0
Extra charges of our navy . .	37,302	4	0
Arms, &c. to Spanish Government	6,769	0	0
——— to British Auxiliary Legion	1,678	0	0
Intrenching tools, &c., to Royal Sappers and Miners . .	192	0	0
Extra charge caused by artillery, engineers, sappers, and miners .	530	0	0
Medical and surgical materials .	238	3	0
Payments and civil contingencies made to Colonels Wylde and Lacy	2,001	8	0
Total . .	£616,638	17	7

And now for the loss of life. I hold in my hand an account of the number of men sent out; the number of those who never returned, and the cause of their deaths: — British loss — Of 15,000 or 16,000 men sent out to Spain, 8000 died by casualties, 1000 by typhus fever; of the officers 50 died; and 1700 were buried in one churchyard. What, then, according to these accounts, has been the effect produced on Great Britain by the policy of the present Government with respect to Spain? Why, an expenditure amounting to 616,638*l.*; to which, if I add, as I have a right to do, the sum of 280,000*l.* due to the unfortunate British Legion, then I contend that there is nearly 1,000,000*l.* of money (let the people of England know this) charged to them for the intervention which the Government has thought fit to sanction with respect to the affairs of Spain. Yes, that sum has been expended; and I defy Her Majesty's Government to prove that Spain is now in any better condition than she was at the period when that most mistaken policy of the British Cabinet was adopted. But where, I would ask, is that policy to end? If the Noble Viscount says the war is subsiding in the north, and that it is also subsiding in the east, why is this country still at the expense of keeping up the blockade? Why not recall those ships which are employed on the Spanish coast? If these vessels were sent to support their interests who are engaged in the China trade, our relations in that quarter would not now be in such a deplorable state. But if all is peace and tranquillity, why are those vessels kept on the coast of Spain? They are there, as I well know, exposed to the greatest hardships and dangers. I have myself seen one of the finest brigs in our service driven on shore at Tarragona, while engaged in the blockade of that dangerous coast. Thus I have shown that a million of money has been entirely thrown away, without assisting the people of Spain, or adding to the glory of this country. But a hope has been expressed, in the Speech from the throne, that, as the northern provinces of Spain have been pacified, so the other portions of that country may be speedily placed in a state of tranquillity. I will tell your Lordships that such is not likely to be the case in the east of Spain. The fortress of Morella, which is held by Cabrera, is so strong in itself, and is so supplied with all the adjuncts of defence, that it may be deemed impregnable. It is situated on a high rock, like Gibraltar; at its base is a stream or river, which winds round it, and the rock is so fortified that on no side is it accessible to an assailing enemy. Cabrera has in that fortress and its vicinity 40,000 men, at least, armed and unarmed; and from its heights he can sweep down on any part of the Espartero line he pleases. Moreover, from that position he can carry on the war against the Queen's forces as long as he pleases; for the men of the country in Valencia, in Arragon, and in Catalonia, are, at least, as favourable to his cause as they are to that of his opponents. I know that Espartero cannot put an end to the war by his own resources; and one of the reasons why he cannot do so is, that in all the great towns and cities of Spain the inhabitants are more favourable to the cause of legitimacy than they are to what some persons call "the cause of liberal institutions." Those "liberal institutions" have as yet done nothing for them; for so impotent is the Government which patronises those institutions, that in the south of Spain it cannot raise even the ordinary taxes. It is true that at Madrid it has carried on the administration of affairs for six years, and that it may carry it on for as many years more. But, supposing that it should be successful in putting down the Carlists, what will be the consequence? Why, that then they will have the Exaltados and Moderados — those two great parties into which liberal Spain is divided — engaged in open war with each other. These two parties are not satisfied with making speeches against each other: on the contrary, they make forcible attacks on each other, as has recently been seen in one of the Chambers at Madrid, where, after rising to embrace each other one day, the members rose to struggle with each other, personally, the next. In point of fact, the old social edifice in Spain is overturned, and those who attempt to erect a new one in its place have not power to accomplish their object. The Noble Earl was very severe upon me, last night, for saying that the members of the Spanish mission bought up the *attestats* of its own Government. Now, the fact is, that I said no such thing. I brought no such accusation against them. I said that those *attestats* or *assignats* had been disseminated among the Jews, and that the report was current that some members of the Spanish mission had bought up a considerable number of them. All the journals of Europe have spoken of the dishonesty of the Spanish Government in the management of the finances of that country; and, in repeating the charge of dishonesty against them, I only repeated that which was already notorious to all the world. Even the Spaniards themselves admit it. Whilst I was at Granada, I met, by accident, a very gentlemanly and enlightened individual, whom I asked what he thought was likely to be the end of the fatal dissensions which distracted his country? His answer was very short — "If," said he, "we could only get six honest men to govern Spain, we should soon set all matters right." That answer is a sufficient proof that the Spaniards themselves do not acquit their governors of dishonest proceedings.

At the close of the last Session of Parliament your Lordships had the satisfaction of hearing, from the Noble Earl opposite, a very eloquent speech, which, at the time, produced a great effect. We have long had Clarendon's *History of the Rebellion in England;* we are now favoured with Clarendon's *History of the Rebellion in Spain.* That is a work on which it is intended that the House shall henceforward form all its views of Spain and of Spanish affairs. I need not say that my views are very different from those taken in that fragment of modern history. In that speech the Noble Earl stated that the pacification of Spain would be best effected by the policy pursued by the present Government; and that to think that it could be effected by any arrangement of the European powers in congress was entirely out of the question. He said further, that Royalists and Carlists would both reject such an arrangement with indignation; that neither party would submit to it, and that he was certain that all Spain would subscribe to his opinion. The Noble Earl likewise alluded to the strong desire which prevailed among the Queen's generals to carry the Eliot convention into effect in the Basque provinces, and he threw blame upon the generals on the other side for not being actuated by a similar desire to stop the unnecessary effusion of human blood. Now, I know that in Catalonia and Arragon the juntas of the Carlists were most anxious to carry that convention into effect; but that the Queen's generals always refused to extend its operations to those provinces, until Cabrera was in a situation to make reprisals upon them. Even now Zurbano is committing massacres upon his prisoners, and Espartero, with all his influence, cannot prevent him. The Noble Earl, in the progress of his speech, spoke of the internal condition and resources of Spain, as if he were another Mendizabel, and were putting out a prospectus for a new loan. The consequences of the liberal institutions recently granted to Spain are, according to the Noble Earl, "that life and property (except in those parts afflicted by the civil war) are more secure; that the revenues of Spain are more than one half greater than they were ever known to be before; that an enormous class of proprietors has been created by the sale of national property; that capital flows into more wholesome and useful channels; that education is making rapid advances, and that agriculture is advancing; and that, notwithstanding all the horrors of war, Spain is, at this moment, laying a foundation for her future prosperity." Now, I protest against the accuracy of that description of Spain. I deny that life and property are secure. I assert that the revenues of Spain are one half less than they were before, and what is perhaps more important, that even these are forestalled. Moreover, the sale of the church lands has impoverished, and not improved, the country. Formerly they were in the hands of the monks and friars, under whose fostering care agriculture advanced and flourished. The lands, too, are gone, and no further national revenue can be derived from them. Besides, it is melancholy to see the unfortunate condition to which the monks and friars are reduced. The Spanish Government, when it first seized upon the church property of Spain, pledged itself to give the means of subsistence to the monks and friars, whom it dispossessed. It has taken from them their property, — it has sold their convents, — it has turned out the people, but it has not given them a single farthing to support life. In a nunnery I entered at Seville, several unfortunate women, there, told me that since the establishment of the constitution they had been supported entirely by charitable individuals. Last year I said to your Lordships that I saw no prospect of any cessation of these horrors. I tell you so now. Will the Noble Viscount in return tell me what principle he intends to adopt for the future with respect to Spain? Is he prepared to carry on his intervention to any degree which the Christinos may feel disposed to demand? Don Carlos is, at present, in France, almost a close prisoner. Why, then, does the Noble Viscount retain possession of Passages, and keep our fleet on the coast of Spain? Surely the Noble Viscount cannot now be afraid of Don Carlos, especially after having told your Lordships, in the Speech from the throne, that the pacification of Spain is established. The Noble Viscount must admit one of two things, — either that the peace of Spain is not established, and that we must therefore go on with our warlike preparation; or that the peace of Spain is established, and that we ought to stop our expenditure in its behalf, which I have already shown to have amounted to 1,000,000*l.* sterling in the last six years, lest we should be embarked ultimately in the contest about to commence between the Exaltados and the Moderados. What a spectacle will it present to Europe, if the Noble Viscount should be found supporting the Moderados against the Exaltados in Spain, when in England his own Government would stand a bad chance indeed, except for the support he receives from the ultra Radicals! The Noble Earl also spoke of the gratitude which the Queen's Government entertains towards this country for our intervention in its behalf. Where is the proof of that gratitude? Has the Noble Earl been able to procure a commercial treaty from Spain? The great body of the Catalonians are "liberal" manufacturers. They have hitherto prevented, and they always will prevent, the formation of a commercial treaty with England favourable to our interests. They will get French goods if they can, and Catalonia, as I am informed, is now inundated with French goods. It is true that English goods do find their way into Catalonia, but they are carried thither by a hundred thousand smugglers. Has the Noble Earl, with all his exertions, been able to effect the abolition of the slave trade in Cuba? No; it is still carried on to a great extent in that island under the protection of the Spanish Government. I have authority for that statement in my hand, but I will not weary your Lordships by reading it. I have, however, seen the report of the case in an American Court of Admiralty, in which the Spanish Minister claimed certain slaves as his property, in defiance of all the promises of his Government to put an end to the detestable traffic in human beings. What, then, I would ask the Noble Earl, has Spain done for England in return for all the expenditure of men and money which England has incurred in her behalf during the last six years? The Noble Earl's answer must be, "Nothing." In the concluding part of the speech of the Noble Earl, to which I have already adverted, the Noble Earl said that all our sympathies and good wishes ought to be, and were, enlisted on the side of the liberal feeling of Spain, a country struggling to raise itself from degradation and oppression, and to recover its lost place among the nations of Europe. Now, the Noble Earl has lived long in Spain, and it would, perhaps, be deemed presumptuous in me if I were to place the results of my own residence in that country against those of the Noble Earl. The Noble Earl's residence, however, has principally been at Madrid, and in the very centre of a Government to which he is avowedly partial. Now, if the Noble Earl had travelled through the great towns and cities of Spain, as I have done, I have no doubt that the Noble Earl would have discovered, as I did, that the prevalent feeling of the inhabitants is in favour of the old institutions of their country; and that he must live a long time if he expects to see that feeling annihilated. Such are my views of Spanish affairs. I know that they differ from those of Her Majesty's Government; but they are honestly and sincerely entertained; and if I stood alone, I would not hesitate to express them. A friend, to whom I communicated them, told me that I was right, and applied to me the remark which has been applied to another honest defender of an unfortunate cause —

> Victrix causa Deis placuit, sed victa, Catoni.

I now, my Lords, move, "That an humble Address be presented to Her Majesty, praying Her Majesty to direct that there be laid before this House copies or extracts of all communications between the Foreign Office, the Admiralty, and the British authorities employed on the coast of Spain, that have taken place between the 28th of July last and the present period, relating to the convention of Bergara, together with a copy of the said convention."

The EARL of CLARENDON. — My Lords, I confess I am very desirous to make a few observations on the speech which has just been addressed to your Lordships by the Noble Marquess. It is, however, totally impossible that I can fully reply to that speech,—so many, so various, and so discordant are the topics which the Noble Marquess has jumbled together "in most admired disorder." It is a budget which the Noble Marquess has brought from the Peninsula, and which he had better have opened in the Cortes of Spain, than in the House of Lords in England. I am very anxious to give your Lordships a different version of the recent transactions in Spain, from that which has just been furnished by the Noble Lord opposite. I attach great importance to the matter now under the consideration of your Lordships, not merely on account of its reference to Spain, — not merely on account of the speech of the Noble Lord opposite,—but also on account of all that has been said and written upon it in England, for the space of some months past; and when I consider the manner in which the characters of several of our most distinguished officers have been maligned for their supposed participation in these arrangements, and also, how the supposed course of Her Majesty's Government has been censured and abused by those who know nothing of it, I cannot but rejoice exceedingly, that the opportunity has at length arrived for placing those transactions in their true light before the country, and the world at large. The Noble Marquess, in the course of his observations, alluded to a speech which I addressed to your Lordships last year, and commented upon it in terms of great severity. Now, I will tell the Noble Marquess, that I shrink from nothing which I then asserted: on the contrary, I consider that events —which have transpired more quickly than I expected, and as satisfactorily as I could have hoped—have proved, most unequivocally, the correctness of my assertions. I should have felt myself under the necessity of bringing this matter under the consideration of your Lordships much before this time, if the Noble Marquess had not given notice of his intention to make it the subject of a specific motion. I did not expect that the Noble Marquess would have deferred the execution of his intention so long; for that delay is utterly inconsistent with the prodigious ardour which the Noble Marquess displayed on the first night of the Session to secure a discussion upon these transactions. I expected that when the Noble Marquess found that the convention of Bergara was not laid upon your Lordships' table, he would not have postponed for a day his threatened motion for the production of all the correspondence which he supposes to have passed between certain of our officers on the coast of Spain; but the Noble Marquess thought proper to defer his motion from day to day, and has given reasons, which he deems satisfactory, for so doing. It is not my intention to trespass long on the attention of your Lordships on the present occasion. I shall not follow the Noble Marquess through those parts of his speech in which he read an extract from a French book, — in which he talked of my Noble Friend inviting Maroto to dinner — in which he compared me to Mendizabel — in which he depicted the wreck at Tarragona, — and in which he gave so natural and picturesque a description of the situation of Morella; nor shall I enter into any criticism upon all or anything that the Noble Marquess either said — or did — in the nunnery at Seville, into which he got admission.

[Laughter.]

As far as I can collect — or, I should rather say, condense — the rambling statements of the Noble Marquess, it seems to be his opinion that the settlement recently accomplished in Spain is neither honourable nor satisfactory to the Spanish Government, and that Her Majesty's Government is to blame for having permitted it to take place.

Now, I rely on a few facts which are in my possession, for calming the apprehensions entertained by the Noble Marquess, both with respect to that arrangement, its effects upon Spain, and our supposed participation in it. It may not be irrelevant here to mention, that the Spanish Government, influenced by a strong determination to bring the war to a close, early in the summer of the last year, placed at the disposal of General Espartero resources which he never before had under his command, and thus enabled him to act with increased vigour. General Espartero advanced into the enemy's country, took possession of some very important places, and fortified his positions in every quarter, so that he was enabled to make himself master of nearly the whole of Spain. The Carlists saw that of military successes they had no hope whatever; and the most influential men amongst them were convinced that no calamity would be more disastrous to the country than the triumph of a prince, whose principles of government were abundantly attested by exiles, confiscations, and bloodshed. Into the principles which actuated that prince's personal conduct I will not now enter: it is sufficient to say, that all those most worthy of esteem amongst his adherents were convinced that his character as a prince was best calculated to secure misery to the country. With this conviction, long shared by the Carlists generally, it is plain that no proposition having for its object the termination of so disastrous a war could be very disagreeable to them; and in this conviction the convention of Bergara originated. It was commenced, I believe, by the officers charged with the superintendence of the exchange of prisoners, who agreed unanimously that nothing could be a greater blessing to the country than the termination of the war. Into the progress of these negotiations, and the unavoidable delays which arose, it is unnecessary that I should enter. But this I will observe, that the Carlist general, Maroto, was encouraged to commence these negotiations by the whole, I believe, without exception, of the chiefs serving under his orders; and that he further received a very significant warning not to delay their progress, from the mutiny of the Biscayan troops, whose anxiety for peace upon any terms was so great, that they were quite intolerant of delay. No sooner was the fact of the convention known—(it is only from details of this kind that the real character of the transaction can be gathered)—no sooner was the information generally diffused that the convention had been entered into, than twenty-one Carlist battalions laid down their arms on the ground. The Queen's troops received them in a spirit of the most cordial amity; their arms were piled, and they entered, unarmed, into Bergara, receiving each a month's pay. They were afterwards ordered to resume their arms, and march to different quarters to await the ratification of the Cortes. There were not above forty Biscayans who could be induced to comply with this order; the rest went home, indifferent as to whether the convention was ratified or not. Of the Castilians, the greater part took service under the Queen; the rest went home with the Guipuscoans, carrying their arms with them; and those arms were afterwards brought back by the old men, women, and children, to prevent the possibility of the public peace being disturbed for the future. There was another remarkable circumstance connected with this transaction. General Espartero, on passing through this district, was received by the people with loud acclamations; they came out from the towns and villages to meet him; upon these occasions the General always harangued them, and at the end of his discourse the people always joined unanimously in "three cheers"—one for "the establishment of peace;" another for "the Queen and the Cortes;" and a third for "the Constitution." All were responded to with equal enthusiasm; in short, so satisfactory was the intelligence of peace being established, that the gratitude which it called forth on the part of the people and soldiers was so enthusiastic as to need no comment to prove how completely they were satisfied with the terms of that peace. The Noble Lord cannot suppose that all this was produced by the magic of Maroto's name, or by any undue influence exercised by him. His troops were not led into any ambuscade; there was no stratagem; nothing to prevent them from resisting Maroto's project, and supporting Don Carlos by force of arms; and over the peasantry Maroto had no power whatever, and did not attempt to exercise any. I say, then, that it is manifest that, in what Maroto did, he was only giving effect to the opinions and feelings which he had long known the soldiers and people to be possessed of. There is the most ample evidence to prove that this was the case, and that the partisans of Don Carlos were convinced that the sacrifices necessary to carry on the war were not at all counterbalanced by any prospective advantages to be obtained from it. I am glad that the Noble Lord has not attributed this arrangement on the part of Maroto to any bribe;—that he has not adopted any such preposterous notion as that Maroto received a bribe from this country; although, upon looking over the public papers in the course of this morning, I find that, in some of them, Her Majesty's Government is accused of paying, in the shape of a bribe upon this occasion, no less a sum than 150,000*l.* out of the secret service money. I am glad that the Noble Marquess has not adopted any such supposition; for it is my firm belief that no transaction of the kind was ever more free from sordid or mercenary motives;—not, however, that I would blame General Espartero, if he had had money, and had paid it to purchase the inestimable blessings of peace, or to save the life of one single individual. But, setting altogether aside the question of sordid motives, as having had operation in this particular case, I think we can find in history very exalted characters availing themselves of this means to conciliate their enemies, or to obtain what they conceived to be political benefits. The Noble Lord shakes his head. But surely he must have heard of Marshal Marmont surrendering the capital of his country to a foreign army, and thus giving the finishing stroke to the fortunes of his master and benefactor. Surely he has heard of Marshal Bourmont, upon the eve of the battle of Waterloo, obtaining a command, against Napoleon's consent, in order that he might desert Napoleon on the following day. If the Noble Lord have read the despatches of a Noble Duke who is absent from his place — and no one regrets more sincerely than I do the absence of that Noble Duke, or its cause—I ask the Noble Lord whether he can doubt the Noble Duke's readiness to avail himself of the disposition to revolt, which existed, at that time, in a large portion of the French army, although, with the prudence and foresight which so pre-eminently shone forth among the many illustrious qualities of the Noble Duke, he hesitated to commit himself to the propositions which were made to him at that period? But can any one doubt that he was desirous of doing so? The question is very different in the case of a civil war, when individuals belonging to a common country, to a common family, are arrayed in arms one against the other. In such a case, the most brilliant successes upon either side are disastrous. Neither secessions nor desertions can, here, carry with them any degree of moral turpitude; nor can anything base or dishonourable be imputed to such desertions. The man who would consider himself degraded by treating with a foreign enemy, might do so, without the slightest imputation, with his own countryman. From the tone of the Noble Lord, I should be inclined to infer that, in the Noble Lord's opinion, the Government of England ought to have interfered to prevent the belligerents from ceasing their hostilities, and to have goaded them on to the fight. Upon what principles, either of policy or philanthropy, the Noble Lord advocates such an opinion, I really think the Noble Lord has failed to explain.

I am glad to have this opportunity of rectifying the false notions which have gone abroad with reference to Lord John Hay and Colonel Wylde. The Noble Lord can scarcely be serious in throwing any blame upon them. How culpable Her Majesty's Government would have been —deeply culpable — first, with respect to the Queen of Spain, Her Majesty's ally; and, next, towards all those who may have thought it more conducive to the interests of England that the disputes of intestine faction, by which her ally was torn asunder, should have been put an end to — to all those who have so long declaimed against the cruelties sanctioned by the Queen of Spain's Government; — and, lastly, to all those (the great majority of the people of this country) who were sincerely desirous to alleviate the sufferings of that ill-fated country:—to all such, I say, that Her Majesty's Government would have been deeply responsible, if they had not used every legitimate exertion in their power to put an end to the civil war in Spain, and to its lamentable consequences. The instructions which were given to Lord John Hay and to Colonel Wylde were, to aid, by every means in their power, in bringing about an arrangement which would be satisfactory to all parties; and, speaking as an Englishman, I devoutly wish that this great good had been the exclusive work of Her Majesty's subjects in Spain. But, although the intervention of these two distinguished individuals was diligently pursued, and freely given to both parties, it was rendered comparatively unnecessary by the determined resolution of the belligerents to bring their own affairs to a satisfactory termination. And most satisfactory that termination has been. It will form a period in the national history of which Spain may justly feel proud. The evidence of history goes to demonstrate that no civil war ever ended without some compromise being entered into between the parties; and, indeed, no civil war can be brought to a close without a due regard being had to the interests arrayed on both sides, — to the personal feelings, and even the passions, of the parties engaged,—if the object sought to be attained is the establishment of permanent tranquillity. I know of no instance upon record, where a victorious general — for a victorious general Espartero was—occupying so vast an extent of country, and knowing the mutinous state of the Carlist army, when, indeed, he might have declined coming to any terms—I know of no instance of similar prudence and patriotism to that by which Espartero, in the name of his sovereign and the Cortes, guaranteed the possession of his rank, honours, and emoluments to every individual who chose to enter the Queen of Spain's service, with full indemnity to them if they should prefer returning home; and secured to the people the full enjoyment of all those ancient privileges of which, for ages past, every succeeding sovereign of Spain had endeavoured to deprive them. The Queen and the Cortes were not slow to prove to the world that, in their estimation, the General-in-chief had well and nobly acted in that conciliatory spirit which the Liberal party in Spain has uniformly manifested whenever there was a fitting field for its display. The act of Espartero immediately received the most cordial support of the Queen of Spain's Government and of the Legislature. The Cortes, without waiting for the Royal invitation, at once, and unanimously, recorded their determination to redeem the pledge which Espartero had given; and the rest of the Spanish nation received with the most enthusiastic acclamations the intelligence of an event which they had so long and ardently desired. It was only among a certain class of individuals, and with a certain portion of the daily press, that expressions of dissatisfaction were heard, or among, and by whom, this great measure of conciliation was denounced in terms of unmeasured condemnation: and when your Lordships consider that, even in this Christian country, so pre-eminently distinguished above all others for its true spirit of religion and philanthropy, such denunciations were in equally strong terms uttered against the cessation of the shedding of blood, and the horrors of intestine discord and civil war, all feeling of surprise must cease, and the fact itself be only regarded as a fresh proof of the power which party spirit possesses, to obscure the judgment and pervert the feelings of men. For to party spirit, alone, can be attributed the vituperation which has been poured forth against one of the noblest acts that has marked the career of a victorious general;—to disappointment, and to the failure of a cause which seems to have been adopted in this country, without any reference whatsoever to British objects, and in extreme ignorance of the true interests of Spain, can such a feeling of hostility alone be ascribed. To the same ignorance may be attributed the fallacy of attempting to maintain monopolies and exclusive privileges in co-existence with free and liberal institutions. Those, indeed, who think that they may find in Spain, as elsewhere, a tyrannic power which will aid in preserving and maintaining abuses, may be justified in offering resistance to the exertions of a Government that is based on a constitutional foundation; but such resistance, in reality, serves only the cause of revolution, while popular institutions tend not only to secure, but to render safe, the possession of liberty. No man, who reflects on the case, can deny that this country has a great interest in the independence and prosperity of Spain;—no man, who reflects, can fail to admit that that independence and prosperity would be greatly promoted, if not secured, by the abolition of the Salic law, and the establishment of liberal institutions, in that country. It is, then, most anti-national and most un-English, that any party of men in this country should afford aid to the pretender to the throne of one of Her Majesty's allies, and to seek to make triumphant a cause, the success of which would not only be mischievous to us, but fatal to the welfare of Spain. And yet this is done at a time when there exists in this country a lamentable degree of religious conflict, and when the cry of "No Popery!" is heard throughout the land. It is at this period that it is sought to establish, in Spain, Catholicism in its impurest form, and when cries of lamentation are heard over the fall of the cause of civil despotism and religions enthralment.

I know not that I ought further to trouble your Lordships; but as I have alluded to the two systems which prevail in Spain,—the liberal and the despotic,—I will just observe, that an opportunity has recently been afforded of comparing the system of 1823 with that of 1839. The contrast between the two systems has been most strikingly exhibited within the last two months. I would ask the Noble Marquess, with all the knowledge that he has formerly and lately acquired in Spain, and of all that is within his cognisance, what, in his opinion, would have been the conduct of Don Carlos if events had been reversed—if the people had sworn allegiance to him, and that he had ascended the throne? Does the Noble Marquess think that Don Carlos would have acted as the Queen of Spain has done—that he would have redeemed the pledges given in his name by his generals, and have considered the reign of war over and passed? Or does the Noble Marquess think that he would have imitated the example of his brother Ferdinand, who, in 1823, broke through every promise he had recorded, violated every pledge that had been given in his name by the Commander-in-chief of 100,000 foreigners who had come to subdue his enemies,—proscribed, persecuted, and gibbeted some of the most leading men in the country, in defiance of the remonstrances, and to the indignant shame, of the Duc d'Angoulême,—and established a system of religious persecution such as modern ages present no instance of, and which must have required an ingenuity to devise, that might be well called infernal? But Don Carlos is even more despotic and bigoted than his brother. He was better acquainted with the disposition of his country, and for that reason he sometimes temporised with his brother's party, and refused occasionally to be the instrument of their system. For that reason he was denounced by them, and was engaged in all the conspiracies that were set on foot to oppose them; so that he could only look for support to the bigotry of the Inquisition, who gave him their adhesion under the supposition that he would have been elevated to the throne. Thus was Spain exasperated for the space of six years, and all the lamentations of Don Carlos's adherents have since been, that they have not shed blood enough! They declare that all their misfortunes are owing to their not having shed blood enough during the ten years preceding the French intervention. The state of desolation into which Spain would have been plunged, had Don Carlos and his party been successful, would have brought the Noble Marquess himself to a feeling of shame; and he would have learned, when it was too late, the length to which despotism, united with bigotry, would have carried its destructive influence. On the other hand, I would ask the Noble Marquess, what has been the result of the establishment of the constitution and the Cortes? Can he deny that the conduct of the Cortes has been marked with good faith? Has any person connected with or espousing the cause of Don Carlos been persecuted for his conduct or opinions? The Noble Marquess has been in Spain during the last few months; he must therefore know that nothing of that description has taken place; but that, on the contrary, the fidelity with which every engagement of the Government has been fulfilled, and the rapidity with which all rancour has subsided, reflect infinite credit upon the Spanish character. Although I must admit a portion of the Noble Marquess's statement to be correct, and that it is true that the war in Spain is not yet at an end, and that much time may elapse before that country, which has been so long agitated by questions of life and death, shall subside into perfect peace,—yet, notwithstanding this, I see nothing in all those representations and opinions which the Noble Marquess has made and expressed, and which I can only ascribe to most gross misrepresentations from others, arising either from ignorance, or from a state of feeling not to be envied —I see nothing, I say, in all those representations to cause regret or disappointment at the measures taken towards a settlement of the internal dissensions that have so long afflicted that nation. I have nothing more to say than that I am ready to produce the papers which the Noble Marquess has moved for; and I will trust to the candour of the Noble Marquess to state at some future time how very little they bear out his own statement of affairs.

The EARL of ABERDEEN. — My Lords, it is never without some degree of reluctance that I take part in any discussion with respect to the affairs in Spain. Not that I consider those affairs may not be well deserving of your Lordships' serious deliberation; but that, in my opinion, the conduct of both parties in the wretched contest that has been going on in that country has been so atrocious, so abhorrent to every feeling of humanity and civilisation, and so utterly disgraceful to the age in which we live, that it is very difficult to feel anything of interest in the success of either party, or to look at the result of the contest, except with feelings allied to loathing and disgust. I will not stop to inquire on which side we ought to charge the greater share of disgust, or on whom to pour out the greater measure of indignation; — it, at least, must be admitted, that if there exist in that country any Government that is organised, and that possesses the tribunals and institutions of a Government, we are entitled to look to that quarter for conduct very different from that which must necessarily attach to a court held in a camp, and composed of fugitives. But, without entering into that branch of the question, it appears to me that the Noble Marquess has, to-night, exhibited a new feature belonging to it, and one not calculated to diminish its deformity. He has disclosed to your Lordships a signal act of treachery, in addition to the picture of ferocity your Lordships have already had before you. The Noble Earl (Lord Clarendon) has described this act, on the part of Maroto, as a great measure of pacification, and as being the cause of the restoration of peace; but that which strikes me, nevertheless, is this, — that however your Lordships may love peace, though even obtained by treason, — still, you must execrate the traitor; and the circumstance to be deplored is, that this act of treason, if not actually effected, has been aided, abetted, and perfected by British councils. I admit, considering what we have recently learned with regard to these affairs, your Lordships might possibly be wrong in looking upon this as an immoral and a disgraceful act on the part of the individual concerned; but I confess I cannot view the conduct of that general, who was intrusted by his prince with the management of his affairs, with any other than feelings of the utmost condemnation and disgust. In saying this, I am by no means expressing an approval of the conduct of Don Carlos. I have never, in this House, maintained the character of that prince to be meritorious or otherwise; but this I must say, that the treachery of his general is quite independent of the character of the prince by whom he was trusted. It is very easy to call Don Carlos a rebel, and to say that his officer, in deserting him, only returned to the allegiance he owed to his lawful sovereign; but that is not a fair statement of the case, nor is there any parallel between it and the instances to which the Noble Earl has alluded. The contest in Spain involves a question of disputed succession; and not only that, but I will venture to say that it is the most doubtful question of succession that has ever arisen in Europe. The Noble Earl must admit that, till within the last few years, the established law in Spain was such as established, indisputably, the right of Don Carlos to the throne of that country. This, in fact, is the opinion of a great part of Europe even at the present moment. Three out of the five great powers of Europe have hitherto refused to acknowledge the legitimate succession of Queen Isabella. I am justified, then, in saying, that the question of succession is one of the utmost doubt; and although the present war may be called a rebellion of the people against their lawful sovereign, yet if Don Carlos had, as he might have, succeeded, the case would have been very different. Had Don Carlos been successful, all that has been alleged by the Noble Earl against the followers of Don Carlos would, with equal justice, have been charged against those who are now acting with the Queen. But this is a question not for us: it is not within our jurisdiction. We have nothing to do with the legitimacy of the Queen or of Don Carlos. It is a question exclusively Spanish, which monarch they will have. I am not one of those who blame Her Majesty's Government for having acknowledged the Queen of Spain: — far from it. A great portion of the nobility, and of the army, with the great mass of the people of Spain, having acknowledged the right of the Queen to the throne, I think the British Government were perfectly justified in acknowledging the succession of the Queen of Spain, and of establishing relations with her Government. But a very different case is this of acknowledging her right, and of establishing relations with the Queen of Spain, from that of mixing ourselves up in the civil contest in that country, and taking part in the unhappy disputes which prevail there. The Noble Earl has observed that this country was compelled, or rather authorised, to take part in the convention of Bergara — disgraceful or otherwise; and that England is bound by treaty to act in support of the Queen of Spain.

The EARL of CLARENDON. — I beg to remind your Lordships, that no such observation was made by me as the Noble Earl has imputed to me. What I said was, that Her Majesty's Government were bound, by every means in their power, to endeavour to promote the pacification of Spain by any arrangement that would be agreeable to the parties concerned; but I did not say that Her Majesty's Government were parties to the convention of Bergara.

The EARL of ABERDEEN. — I am not alluding to the convention, now; I allude to the treaty; and the Noble Earl says, that the British Government were bound to Spain by treaty, — that is to say, the quadruple treaty. That is the topic to which I wish to draw the attention of the Noble Viscount (Viscount Melbourne). I have endeavoured to do so on former occasions, but have never had the good fortune to elicit an answer. I should like precisely to understand what it is that this country is bound to, by the quadruple treaty, and how we are situated at this moment with respect to it? The nature of that treaty is really most extraordinary; and I must say that a more impolitic treaty, or one more opposed to the established policy of this country, was never entered into. But what I want to know is, how do we stand, at this time, with regard to its obligations? I know that the Noble Viscount has very odd notions as to the manner in which treaties should be regarded by this country. I remember, some years ago, when the Noble Viscount sat on this (the Opposition) side of the House, his entering upon an enumeration of the treaties England had broken, and cited cases which had occurred during the last 150 years; and he held us up as having the most faithless character, and the least regard for treaties, of any nation in Europe. I differed from the Noble Viscount then, as I differ from him now. I think this country has always been famous for its strict regard for treaties; and I remember saying, that her fidelity was perhaps the more remarkable, inasmuch as it was thought that popular Governments were in general less observant of treaties than other Governments. But, however that may be, surely it is desirable that we should know precisely what our obligations are. All treaties are either permanent or temporary. Is this quadruple treaty permanent? I presume not. The treaty was entered into for a specific purpose, and its object and purpose were temporary. As far as I can understand the case, at the present moment, the treaty has for its object the restoration of the internal peace of Spain. That is its only intelligible object, and the only object that is avowed. But it is necessary that we should see how we have arrived at our present position. Your Lordships will recollect that this treaty was originally entered into early in 1834, when Don Carlos was in Portugal, and when an invasion of Portugal was expected from Spain. It was entered into by the contracting parties, with the view of restoring peace to the Peninsula; and for the attainment of that object it was considered desirable to procure the absence from the Peninsula of the two princes, Don Carlos and Don Miguel. That was the motive and object of the treaty. Well, the two princes were expelled; and I perfectly well recollect both the Noble Viscount and the Noble Marquess the President of the Council congratulating themselves on the perfect success of that treaty, and that it had been efficient for the purpose for which it was negotiated. A few months afterwards Don Carlos escaped from this country, and arrived in Spain; and no doubt his presence occasioned a renewed excitement in that country. Well, in August, 1834, additional articles were entered into; and what did those articles declare? There was no new object proposed, no new preamble to the treaty. It merely recited, "that whereas, in consequence of occurrences that had taken place in Spain, it was necessary to enter into new provisions, and the contracting powers engaged — so and so." Therefore the object that still remained to be accomplished by the treaty, was the restoration of internal peace in Spain. That was not to be effected by the expulsion of the two princes from the Peninsula, as before. What, then, remained to be done? The only stipulated measures we entered into for that purpose was, to furnish military stores and a naval force, if necessary; while the King of the French was to prevent supplies being furnished to the opposing party. Still we are bound to restore internal peace in Spain; if not strictly by the execution of these additional articles, by such other means as the spirit of the treaty justifies; — for instance, by means (*inter alia*) of the Order in Council for raising the British Legion, and of this very Bergara convention. Neither of those proceedings were stipulated for; but, in the spirit of the treaty, they have been adopted with the view of restoring peace to Spain. But this fact opens a very alarming prospect; because, although this treaty is in its nature temporary, yet, if the obligations it imposes are to end only with the restoration of internal peace in Spain, there immediately arises the prospect of a continual intervention on the part of England with the internal affairs of that country. How are we ever to expect to separate ourselves from interfering with the internal condition of Spain, so long as anything in the shape of disturbance or misgovernment continues to exist there? For your Lordships will remember that this treaty has nothing, necessarily, to do with a state of war. The additional articles do not contemplate the expulsion of Don Carlos from Spain, nor do they even contemplate the cessation of the war. It is the internal peace of Spain that is proposed to be established. Now I much fear that there will long prevail great disturbance, great confusion, and great anarchy in that country, although open war may not be carried on in any part of it. This is an object, then, far beyond anything which this country ever contemplated in entering into this or any previous treaty. I apprehend that the internal peace of any country must very much depend upon its internal government; and if we were, under this treaty, to interfere with its internal government, we should probably do that which, more than anything else, would prevent the success of every act calculated to insure good government in the country; and we should be pursuing that course which would be the most likely to re-produce the wretched condition which has so long continued in Spain. This is a view which this country has never taken with regard to any former treaty, and it is one that, if acted upon, would be, I think, likely to occasion the most mischievous consequences.

What has England gained by adopting this course? The Noble Lord has said that we have protected a liberal Government, and have aided in the establishment of liberal institutions in Spain; and that we ought to congratulate ourselves at the result which, so far, has attended our policy. It is, no doubt, gratifying to see any country improve in its institutions and prosperity, especially a country so intimately connected with and so closely allied to us as Spain; but that we should interfere, actively, to produce such a consequence, is, I take it, directly at variance with all sound policy, and with the policy which has hitherto been invariably adopted by this nation. The Noble Earl must see that England maintains the closest relations with countries in which no such liberal institutions exist; and I was glad to hear the Noble Viscount, some two or three weeks ago, when his attention was called to the question of preserving the integrity of Turkey, say, that as to the institutions, character, and opinions that prevailed in any country, he did not think those points ought to influence our conduct at all; —that what England had to look to was, that only which was essential to her own interests,—not the internal character or institutions of any other state. I entirely agree with the Noble Viscount; and I believe, generally speaking, that the opinions of the Noble Viscount are correct upon these subjects, when he follows his own judgment, and not that of others. As to the idea of nations entering into treaties for establishing liberal institutions in other states, it is absurd. Does the Noble Earl think that we could, by treaty, arrest the despotic views of the Emperor of the North? Such topics are all very well, as matters of declamation, in this House, and as subjects for paragraphs in newspapers; but not as a course of policy for a wise Government to adopt. But the doctrine of the Noble Earl is not true, nor does history show that the establishment of free institutions in the nations with which we are allied have necessarily led to the promotion of the interests and prosperity of the parties concerned. Look at our own connection with Portugal. Portugal has been for one hundred and fifty years so closely connected with England, that it is always called by the other powers of Europe an English colony, —and yet Portugal is one of the most arbitrary and one of the most bigoted Governments in Europe: and I should like to know whether that country is more friendly towards us, now that it has become more liberal? Look, again, at all the great powers of the continent. Which of them has been the most permanently connected with this country? The great Austrian empire; and yet that is a despotic power. But, then, it is a power with which no English interests ever came in collision; and, for many years, its policy has been essentially pacific. This, indeed, is the great object to be regarded. The aim of this country ought always to be, to enter into those relations which are the most likely to continue the preservation of the general peace. It is in this respect, therefore, that I say—though I never talk of natural enemies—that I look upon Austria as the natural friend of this country. It would be preposterous to suppose that any such alliances as those to which the Noble Earl has alluded, — namely, alliances having for their object the spread of liberal institutions in other countries, —could ever enter wisely into the policy of this country. But with respect to the treaty now under discussion, one of my great objections to it is, that I think it has contributed to that state of estrangement and alienation from us which at present exists on the part of the French Government. That treaty, which was to bind England to act in concert with France, has, I most sincerely believe, been in a great degree the cause of the estrangement and alienation I speak of. Why, from the very first, the two Governments have never acted cordially together: there have been nothing but mutual complaints as to the manner of carrying the treaty into execution. The Noble Earl, who has lately returned from Spain, knows full well that such is the fact. I will say nothing on the subject of the French alliance with this country. I am quite ready to admit the importance of maintaining that alliance. No person is more desirous of cultivating the closest friendship with France than myself; but such a friendship may exist for every salutary purpose, without the formation of an alliance for carrying out a common object. The quadruple treaty, in my opinion, has been attended with injurious effects to this country; and therefore I wish to know what is the interpretation which the Noble Viscount puts upon it at this moment, and what are the obligations it now imposes upon us? Your Lordships will observe that all the engagements are on one side. It is all unilateral. The Queen of Spain engages nothing. I suppose it will be taken for granted that she has engaged to govern well, because good government tends to establish internal peace: she also, I presume, engages to govern wisely, because that is the way to secure peace. But we are to judge of that. It seems to me, according to any possible analogy I can form in a case which is so unlike any that has ever before occurred, that the quadruple treaty is, at this moment, at an end.

Whenever the Noble Viscount shall choose to say that, according to his judgment, internal peace is restored in Spain, at that instant the obligations of the treaty will cease. For the Spanish Government is bound by no reciprocal conditions; of course, therefore, the Government of this country is perfectly at liberty to put an end to its own obligations whenever it shall think proper. I believe that not only the interpretation of the Bergara convention, but the future progress of the contest,—which is far from being concluded in Spain, — must be regulated by the manner in which the quadruple treaty shall be interpreted.

There is one point to which I wish to refer before I sit down,— I mean the case of the claims which the Noble Marquess brought forward, yesterday, on the part of the officers and men of the British Legion, and for whom your Lordships must feel that sympathy which their condition so greatly deserves. I must say that the Noble Earl appears, during his mission in Spain, to have exerted himself laudably on their behalf, though his exertions have not been attended with complete success. It appears, however, that the Noble Earl has not neglected to call the attention of the Spanish Government to the subject. These are, no doubt, claims of equitable consideration on Her Majesty's Government, because of the encouragement given by them to the cause in which the claimants suffered. Still there was no absolute obligation — there was no absolute treaty — to bind the Government. I will now call the attention of your Lordships to a certain treaty which I, myself, had the honour to conclude in 1829, for the indemnity of certain claims which certain British subjects established, in consequence of having suffered from the violence of certain Spanish authorities. A large sum was paid by the Spanish Government in money, and the remainder was paid by the issue of bonds. Those bonds were guaranteed by the British Government, — that Government being a party to the treaty which had been effected; and the bonds, when all other Spanish securities were worth almost nothing, obtained their full value in the market, inasmuch as the respected name of Great Britain was security for their payment. If ever there was a case in which a Government was under a deep obligation, — if ever there was a case in which a Government was bound to fulfil a contract, — this was one. The annual amount of the interest upon these bonds would only be about 30,000*l.*; but five or six years' dividends are now due on them, and remain unpaid. I think it says but little for Her Majesty's Ministers, that they have not sufficient influence with the Government of Spain to procure the payment of this small sum annually, — a sum upon the payment of which they are bound to insist, not only as supporting the just claims of their countrymen, but to secure their own honour and to fulfil their own plighted faith. It is no answer to me to say that representations and remonstrances have been made to the Spanish Government upon the subject. I have no doubt that they have been made; for when I brought this subject forward, on a former occasion, the Noble Viscount admitted the whole truth of what I stated, but said that the Government had remonstrated. But I beg to bring the matter under the Noble Viscount's notice in this shape; — the claims of the legion are binding only upon the Queen of Spain; but these bonds were contracted under a treaty which is binding, not only upon the Queen, but upon the whole nation of Spain. If Don Carlos had succeeded in his attempt upon the throne of Spain, the British Government would have exacted the fulfilment of the conditions of the treaty from him, exactly as they are now bound to exact it from the Government of the Queen. And if Don Carlos had refused, let me ask, would he have been eight-and-forty hours in possession of the throne before the British Government would have threatened reprisals, unless he had liquidated these claims? However reduced the Spanish finances may be at the present moment, it is preposterous and absurd to say that they are not capable of paying 30,000*l.* a-year in fulfilment of a solemn pledge. It is preposterous and absurd to say that the British Government cannot extort 30,000*l.* a-year from Spain, in fulfilment of their own arrangement; for I am not very certain whether the persons claiming under this treaty would not have a claim against the Treasury of this country for the amount of the sums due to them. I brought this subject before the House two years ago. I trust the Noble Viscount will not think me unreasonable if I express a hope that I shall not have to bring it forward, again, two years hence.

VISCOUNT MELBOURNE. — Considering the various matters which the Noble Marquess has mixed up with the treaty of Bergara, — namely, the part which the Spanish Government have borne, the part which the British Government have taken, and the share which British officers have had, in bringing that treaty to a termination, — it is perfectly obvious that your Lordships can discuss those matters with much greater advantage, with much greater facility, and, withal, much more satisfactorily, when you are in possession of the information for which the Noble Marquess has moved, than you can do at the present moment. At the same time, considering the very long speech that has been made by the Noble Marquess who brought forward the motion, — considering the observations which have often been made upon the treaty in this House, and the animadversions which are continually made upon it by some portions of the public press, I think that my Noble Friend (Lord Clarendon) was perfectly justified in going into some explanation of the circumstances under which that treaty was concluded, and of the share which British officers and men have had in producing it. My Noble Friend on the opposite side of the House has gone back to the origin of the whole affair, and has produced many of the selfsame arguments which have, over and over again, been put forward upon the same subject by the Noble Duke (the Duke of Wellington). The Noble Lord has told us that we were wrong at the outset, — that we ought never to have interposed in the affairs of Spain; — that we were wrong politically, because, by interposing, we deprived ourselves of the opportunity of acting as mediators; and that we were wrong in a military point of view, because we were attaching the fame and fate of a small body of British troops to the uncertain fortunes of the soldiery of Spain. That was the often-repeated argument of the Noble Duke; but I doubt the accuracy of it; I differ from those opinions; — but, even if the argument were good, and the opinions sound, it is obvious that they come too late; for, whatever the original policy or wisdom of the course pursued may have been, at any rate we have engaged in the Spanish struggle, — at any rate we have concluded the treaty,—at any rate we have acted upon the treaty,—at any rate we have engaged, and engaged actively, in the military affairs of Spain; and, being engaged in that manner, when it appeared that the army of the Pretender had relaxed its vigour and energy, and evinced a disposition to come over to the Queen when we found that Maroto, — whether right or wrong — (for it was not for us to inquire into the feelings or opinions which governed his conduct, and we knew nothing of the relations which existed between him and Don Carlos); — when, being engaged in active operations, we found that the enemy's general was desirous of giving up the contest,—should we not have been idiots, — should we not have acted in a way wholly unworthy of ourselves and of the country, — if we had not taken advantage of that contingency? Why, I might reply to my Noble Friend, opposite, in the language of the Swedish general in the great German play, who, when another important change is announced to have been negotiated, observed, "What may have induced your Highness so to act towards your sovereign liege and emperor, it beseems not me to inquire; but this advantage is in our favour, and all advantages in war are just." In the same way, was it not perfectly the duty of the British Government to take advantage of the defection of the enemy's general, the sooner to bring the contest to a termination? Any other conduct would have been perfectly childish and puerile; and I am satisfied that neither the good sense of the country, nor the wisdom of Parliament, could ever form any other judgment or opinion upon the subject. Whatever may have been the nature of the transactions between Maroto and Don Carlos, — whether the former acted with treachery towards the latter or not, — whether the conduct of the first was right or wrong, — does not appear to me to be, in any respect, a matter for your Lordships' inquiry. The whole affair resolves itself simply into this: Great Britain was engaged in the pacification of Spain, and this was an opportunity which presented itself for carrying her policy into effect.

My Noble Friend (the Earl of Aberdeen) has asked me what is the interpretation which I put on the quadruple treaty under existing circumstances, and what is the position in which England now stands with respect to Spain? I do not know that it is quite fair to call upon me immediately, not having the treaty before me, to state precisely what is my view of its present obligations; but I have no hesitation about the matter. My Noble Friend (the Earl of Aberdeen) has given, as far as I recollect, a very correct history of the treaty. The first treaty was framed in the beginning of 1834, with the view of procuring the expulsion of Don Miguel and Don Carlos from the Peninsula; and I apprehend that the obligations of that treaty were completely fulfilled when the expulsion of those princes was accomplished. Subsequently, however, Don Carlos, after passing through England, presented himself in the north of Spain, and commenced a course of hostilities against the Government of the Queen. The parties to the treaty then entered into fresh articles, and adopted fresh obligations for effecting the pacification of Spain. Those fresh articles were not confined to the expulsion of any prince, or any person whatever, from the dominions of the Spanish Queen. I apprehend, therefore, that the conditions of the treaty are not satisfied by the expulsion of Don Carlos from Spain. Speaking from my recollection upon the subject, I should say that this country is unquestionably bound to give her assistance to Spain as long as any of the hostilities arising out of the attempt of Don Carlos to dethrone the Queen continue to exist. All the hostilities that are now going on in Spain have arisen out of the appearance of Don Carlos in the northern provinces immediately after he had passed through this country; and I should say that England is bound to give her assistance to the Queen's Government until those hostilities shall be terminated. Beyond that, the treaty does not bind the Government of England to any further interference in the affairs of Spain. It does not bind us to interfere in any other difficulties that may arise; it does not bind us to interfere in any such case as is anticipated by the Noble Marquess by whom the present motion has been brought forward; it does not bind us to interfere in any questions between parties in Spain, nor in any of the internal affairs of that kingdom. But, until the hostilities arising out of the attempt of Don Carlos upon the throne are completely subdued, I think the treaty will remain in force, and be binding upon this country. That is the opinion which I should give, if called upon to give an opinion, now; but before I can state positively and decidedly my opinion, it would be necessary that I should consider the actual terms of the treaty. Acting, however, upon its spirit, that is, unquestionably, the interpretation I should put upon it.

My Noble Friend (the Earl of Aberdeen) has entered into many other points of consideration — of a general nature, but all turning upon the Spanish policy of the Government. Into those points of consideration I will not, upon this occasion, follow him. In the latter part of his speech my Noble Friend has called upon me to make some declaration with respect to a matter which he has often pressed upon my attention,—namely, the claim of the Spanish bondholders under the treaty of 1829. I regret that those claims are not yet satisfied. I can say no more than that strong representations have been made upon the subject. And, perhaps, I may be allowed to add, that I think something more of allowance and indulgence ought to be shown towards the Spanish Government, in consideration of the great and pressing difficulties by which it has been surrounded, than my Noble Friend seems disposed to allow it. I have no objection to the production of the papers for which the Noble Marquess has moved.

LORD ASHBURTON. — I must say, that I do not think the Noble Viscount has spoken of the conduct of the assassin, Maroto, with that feeling of condemnation and abhorrence which must be entertained by, I believe, every person in this country. I doubt whether it is possible that any body of men, with the feelings of humanity in their breasts, can contemplate the transactions in which this individual has been engaged without feelings of loathing and disgust. The fact was, that all the principal chiefs of Don Carlos were entrapped and assassinated by this miscreant; whereupon the people, finding themselves without leaders and guides, were obliged to submit to the enemy that was let in on them: and that such conduct should be spoken of lightly in a British House of Parliament, is, to me, a matter of astonishment! With respect to the quadruple treaty, at no period was that treaty more strictly observed than during the short period that my Noble Friend was in office; therefore the Noble Lord is mistaken in saying that there is a feeling on the side of the party to which I have the honour to belong to throw over the obligations of that treaty. I must say, that I think the Government of this country is too much disposed to interference; but, in saying so, I wish it to be understood that my opinion, with regard to treaties, is, that, when once entered into, they should be carried out to the letter. I wish, however, that the Government would turn their attention to matters essentially British, and that they would endeavour to obtain a settlement of that long-disputed boundary question with the United States, with respect to which nothing whatever has been done during the last ten years; while the least imprudent act on the part of the Government of Maine or the Government of our own North American colony, New Brunswick, might bring on a war between this country and the United States. It is the duty of the Government of this country to protect the interests of British subjects, and to keep open the channels of British commerce, by preventing France, or any other power, from establishing illegal blockades, and thereby shutting out our commerce for months together. These are the matters to which the attention of the Government should be directed, and which are far more important than the question of whether Syria shall be subject to Mehemet Ali or the Porte. For my own part, I cannot see that it will, in any way, affect British interests whether the Eastern question, as it is called, be decided one way or the other.

Another instance of neglect on the part of the Government of this country is their treatment of the Chinese question. It really appears to me very astonishing that the Government should not have thought it necessary, before this, to take some steps to renew our relations with China, and to re-establish our trade in that quarter. I was anxious that this discussion should not pass without the attention of the Government being called to these matters; and therefore I have thought it my duty to make these few observations.

The MARQUESS of LONDONDERRY.—I shall not trouble your Lordships with many words in reply. With regard to the enthusiastic reception which it has been said Espartero met with in the Basques, that arose out of the hope that he would assist them in obtaining the confirmation of the privileges which had been promised them. But what was the case at Seville? There, a large assembly was got up for the purpose of making a declaration in favour of the Queen; and when *vivas* were called for, not a single voice was raised. Before I sit down, I wish to understand from the Noble Viscount, whether he considers that this country is bound to go on with its intervention so long as any hostilities continue in the north of Spain? It is important to know whether this intervention is to continue, so long as Cabrera, for example, shall hold the northern part of Spain in his possession.

VISCOUNT MELBOURNE. — That must be determined according to the judgment that Her Majesty's Government may form upon the facts.

The MARQUESS of LONDONDERRY.—As the motion has been agreed to, I do not think it neceesary to trouble your Lordships with any further observations.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Belfast Waterworks (No. 1.). — Petition for Bill reported, and Bill ordered to be brought in by Mr. **Emerson Tennent** and Mr. **Dunbar**.

Exeter Waterworks. — Petition for Bill reported, and Bill ordered to be brought in by Mr. **Divett** and **Sir William Follett**.

Eastern Counties Railway. — Petition for Bill reported, and Bill ordered to be brought in by **Sir Charles Vere** and Mr. **Wodehouse**.

Tunstall Market. — Petition for Bill reported, and Bill ordered to be brought in by Mr. **Davenport** and Mr. **Alderman Copeland**.

Ardwick Improvement. — Petition for leave to proceed with certain parts of the proposed Bill, offered, and, by leave, withdrawn.

Manchester and Salford Junction Canal Bill. — Petition of James Loch, against. — Referred to the Committee on the Bill; counsel ordered.

Greenhill and Eckington Road. — Report from Select Committee on Standing Orders (24th February) read; Bill ordered to be brought in by Mr. **William Evans** and Mr. **George Cavendish**.

Norwich Improvement (No. 1.). — Report from Select Committee on Standing Orders (24th February) read; Bill ordered to be brought in by the **Marquess of Douro** and Mr. **Burrowes**.

Honiton and Ilminster Roads. — Order for Bill (17th February) read and discharged. — Another Bill ordered to be brought in by **Sir John Yarde Buller** and Mr. **Montague Parker**.

South Eastern Railway Deviation. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Liverpool Watch Rates (No. 2.). — Petition for Bill reported, and Bill ordered to be brought in by **Lord Viscount Sandon** and Mr. **Cresswell**.

Andover Road Bill. — Petition of owners and occupiers of lands and houses in Whitchurch, against. — To lie on the table.

Protestant Dissenters' Assurance Company Bill. — Read a second time, and committed to Mr. **Hindley** and the South Lancaster list.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill. — Read a second time, and committed to **Lord James Stuart** and the South Scotland list.

Torquay and Dartmouth Roads Bill. — Read a second time, and committed to **Sir John Seale** and the South Devon list.

Marine Insurance Company Bill. — Read a second time, and committed to Mr. **Alderman Humphery** and the Middlesex list.

Tweeddale Patent Drain Tile and Brick Company Bill. — Read a second time, and committed to Mr. **Hayter** and the East Somerset list.

Chard Canal Bill. — Read a third time, and passed.

LONDON AND GREENWICH RAILWAY ENLARGEMENT AND STATION.

LORD GRANVILLE SOMERSET. — I have, Sir, to present a petition from the London and Croydon Railway Company. The petitioners state that, early in the present Session, they presented a petition to the House, praying for permission to bring in a Bill for enlarging the line of the London and Greenwich Railway, with a view of carrying out a recommendation to that effect, contained in the Second Report of the Select Committee of this House, appointed to inquire into the communication by railway in the United Kingdom: that the said Second Report was only presented to the House in the summer of last year, and, consequently, it was impossible for the petitioners to give such notices, and make such deposits of plans and sections, as are required by the Standing Orders to be made, in the spring of the year preceding any application to Parliament in respect of a Railway Bill; but they add, that they did give such notices, and made such deposits, in the months of November and December last, in the manner required by the Standing Orders in reference to Canal and Road Bills, and other Bills of the second class. They have also deposited in the Private Bill Office a declaration of their readiness to execute the proposed works by means of capital to be raised by additional shares, or by money to be raised on mortgage, or otherwise, to carry out the proposed works by means of public commissioners, to be appointed for the purpose, without profit or pecuniary advantage; and an estimate of revenue on the works proposed by them has also been lodged, amply sufficient to afford security for the capital requisite for such purpose. It appears, however, that the Select Standing Order Committee have reported that the Standing Orders ought not to be dispensed with, so as to allow the petitioners to bring in a Bill in the present Session. The petitioners humbly submit that, in their case, such special circumstances do exist as justify them in asking for a relaxation of the Standing Orders, inasmuch as, should this application be delayed until another Session, all the dangers and inconveniences may arise which the Railway Committee of your Honourable House have pointed out in their several Reports as likely to occur on the London and Greenwich Railway, if not enlarged; and which dangers and inconveniences it is the object of the petitioners, by their present application, to provide against. They also beg to add that the London and Brighton and the South Eastern Railway Companies are equally interested, and fully concur, with themselves, in their object. The petitioners, therefore, humbly pray your Honourable House, that they may be allowed to proceed, in the present Session, with the Bill already prayed to be introduced by them, under their petition before referred to.

As it is my intention to make a motion upon the subject of this petition to-morrow, I will now move that the petition be printed with the Votes.

Motion put, and agreed to; petition ordered to lie on the table, and to be printed.

PETITIONS FOR PRIVATE BILLS.

On the motion of Mr. GREENE, Resolved, "That no postponement of the first meeting of any Committee on a petition for a Private Bill shall take place, unless notice be given in the Private Bill Office one clear day before the time fixed for such meeting." — Ordered, That the said Resolution be a Standing Order of this House.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely,—

Elective Franchise and Municipal Corporations (Ireland), — By COLONEL BUTLER and Mr. BELLEW, for extension and reform, — from Killany; Kilsaran; Forkhill; Stabannan; Clouterbrid; and Errigal Kieran. — To lie on the table.

Designs Copyright Bill, — By Mr. GREGG, Mr. BROTHERTON, and Mr. MARK PHILIPS, against, — from Manchester (two petitions); and Manchester and Salford. — Referred to the Select Committee on the Bill.

By Mr. G. W. WOOD, in favour, — from merchants, agents for foreign houses, and purchasers of printed goods in the English markets for exportation. — To lie on the table.

Corn Laws, — By Mr. GREG, Mr. HINDLEY, Mr. M. PHILIPS, Mr. ELLIOT, and SIR DE LACY EVANS, for repeal, — from Lillyhill; Hawick; Blackley; Kelso; Lees; Newton (Lancaster); Westminster Reform Society (chairman); and Manchester (chairman of a meeting). — To lie on the table.

By SIR T. D. ACLAND, against alteration, — from Sandford. — To lie on the table.

Church Rates, — By SIR C. STYLE and Mr. STRUTT, for abolition, and for the release of John Thorogood, — from Rastrick, and Derby. — To lie on the table.

Juvenile Offenders Bill, — By Mr. STRUTT, in favour, — of the corporation of Derby. — To lie on the table.

Church Patronage (Scotland), — By Mr. F. DUNDAS, Mr. GRANT, LORD J. STUART, Mr. J. J. H. JOHNSTONE, SIR J. GRAHAM, Mr. E. TENNENT, and other Honourable Members, for alteration, — from Ardnamurchan; Dores; Kilmalie; Gairloch; Poolewe; Moy and Dalarrosie; Jedburgh; Cromdale; Sanday; Campbeltown; Urray; Killchrenan and Dalavich; Connor; Cumnock; and Kilpatrick juxta.

From Dunscore, against alteration.

Court of Chancery, — Complaining of delay in the proceedings in the Court of Chancery, — from Southampton, and Tavistock.

Church of England, — By Mr. PLUMPTRE, LORD VISCOUNT COLE, Mr. BARNEBY, Mr. GALLY KNIGHT, SIR C. B. VERE, SIR R. H. INGLIS, and LORD HENNIKER, for extension, — from Otterton; Iwerne Courtney; Frome Vauchurch; Beaminster; Llangwstenin and Eglwys Rhôs; Portisham; Toller Porcorum; Milton Abbas; Broadwinsor (two petitions); Muchelney; Funtington; Sigglesthorne; West Stafford; Gomersal; New Sarum (two petitions); Longbridge Deverill; Ravenstone; Leiston and Aldringham; Charmouth; Trentham; Cundall; Marton cum Grafton; Norton-le-Clay; Roecliffe; Kidsgrove; Bentley; Wrenbury; North Bierley; Orford; Tyldesley; Hasketon; Ilketshall; Bramfield; Cropthorne; Barham; Needham Market; Creeting; Gunton; Milton (Suffolk); Bromeswell; Corton; Barfryston; Saxmundham; Holton; Cransford; Ipswich; and Bulwell.

Merchant Seamen's Fund, — By Mr. BROTHERTON, for investigation, — from Whitby.

Sailors, — By Mr. BROTHERTON, for inquiry into the moral state of sailors, — from George Charles Smith.

Turnpike Roads, — By SIR T. D. ACLAND, — of Joseph Pratt, complaining of the exemption from toll granted to stage coaches carrying mail bags.

Copyright Bill, — By Mr. J. JERVIS and Mr. T. DUNCOMBE, against, — from bookbinders of Exmouth Street, Clerkenwell; and master printers of the metropolis.

Maynooth College, — By Mr. PLUMPTRE and SIR R. INGLIS, against further grant, — from Derby; Barnoldswick; North Bierley; Boulge; Louth, and Latham and Burscough.

Workhouses, — By COLONEL T. WOOD, — from the Uxbridge union, for exempting workhouses from taxation.

Railways, — By LORD GRANVILLE SOMERSET, for a free competition in the conveyance of goods and cattle, — from Leadenhall Market, and Newgate Market. — Referred to the Select Committee on Railway Communication.

Metropolis Improvement, — By Mr. CLAY, — from St. Matthew, Bethnal Green, to be included in the contemplated improvement. — Referred to the Select Committee on Metropolis Improvement.

NEWPORT RIOTS — CASE OF FROST, WILLIAMS, AND JONES.

Mr. LEADER. — Sir, I have to present to the House petitions from the Glasgow Operative Masons' Universal Suffrage Association; from Eastbourne, in the county of Sussex; from 1500 householders of Marylebone; from several hundred inhabitants of the borough of Tewkesbury: from 3000 electors and ratepayers of Brighton; from Jevington; from Cirencester; and from 5000 householders of the borough of Portsmouth; all praying that a free pardon may be extended to Frost, Williams, and Jones, and all of them praying for it, not on the grounds of mercy due to the prisoners, — not because they sympathise at all in the attempt made by them, — not because the petitioners support rebellion and violence, — but (as these petitioners every one of them state) because, on a point of law, which had been reserved in their favour, nine out of the fifteen judges decided that it was good, and because six out of the fifteen decided that the objection was taken at a proper time. The petitioners state that, in all cases of doubt, the prisoner is entitled to the benefit thereof; and they pray that that principle may not be departed from in this case. I need not state that I most heartily concur in the prayer of the petitions, and for the same reasons.

Mr. T. DUNCOMBE also presented petitions to the same effect from Cheddington; St. Luke's (Middlesex); Shoreditch; and Finsbury.

To lie on the table.

PRINTED PAPERS—IMPRISONMENT OF THE SHERIFFS.

SIR R. H. INGLIS. — I hold in my hand a petition from the inhabitants of the ward of Walbrook, praying for the release of the sheriff. The petitioners say that the Report of the Inspectors of Prisons has no printer's name attached to it, and therefore the Messrs. Hansard are liable only as publishers; and, consequently, if the copies were sold, in any office of the House, Messrs. Hansard would not be subject to any action at law. The petitioners add that, as the sheriffs were compelled, in the performance of the duties of their office, to act as they did, they hope the House will at once order the liberation of the officer who still remains in confinement.

SIR T. D. ACLAND. — I also have a petition to present to the same effect, from the mayor and other inhabitants of Great Torrington, in the county of Devon.

Both petitions were ordered to lie on the table.

LEAVE OF ABSENCE.

To GENERAL O'NEILL, one month, — illness.

PUBLIC PETITIONS COMMITTEE.

Ninth Report brought up, and read. — To lie on the table, and to be printed.

RETURNS, &c.

Navy. — On the motion of SIR T. COCHRANE, Return ordered —

Of the average number of seamen, marines, and boys employed during the year 1839.

Trinidad. — On the motion of Mr. VERNON SMITH, Address for

Copy of a circular despatch addressed by Lord John Russell to the governors of the West India colonies, transmitting an Order of Her Majesty in Council relative to immigration into Trinidad.

FRENCH SILKS.

Mr. W. WILLIAMS. — Seeing the President of the Board of Trade in his place, I wish to ask him a question. I have seen a statement that a negotiation is now pending with France relative to our commercial relations with that country. My constituents, who are deeply connected with the silk trade, feel a very great anxiety to know whether it is intended to alter the present duties on the importation of silk goods. They are the more anxious to know this as they consider the present duty barely sufficient to afford them the necessary protection.

Mr. LABOUCHERE. — I am sure the House will feel that the circumstance to which the Honourable Gentleman has adverted, — namely, that the negotiation is now pending, — is a sufficient excuse for my not entering into any detailed answer to this question. I am, however, enabled to say that, from the representations which have been made to me, I believe that very exaggerated reports have gone abroad upon this subject, and that a great deal of unnecessary alarm exists. It is not, nor has it ever been, in the contemplation of Her Majesty's Government to abandon the principle of an efficient protection to the silk manufactures of this country.

EAST INDIA PRODUCE.

SIR R. JENKINS. — I rise, Sir, to call the attention of the House to the petition of the East India Company, presented on the 11th instant, praying for further alteration of the duties on articles of East India produce. It behoves me, in the performance of the duty I have thus undertaken, in the first instance, to call upon the House to remember that the East India Company is not now a commercial body petitioning this House as to any interests of their own, but that they come forward on behalf of the people of British India. In the next place, I would beg to remind the House that our East India possessions are not maintained without a very considerable expenditure — that the territories which have been committed to the government of the petitioners, by an act of the British Legislature, form a very large and important portion of the British empire. And then, it must be remembered, that not only is the expense of the East India Company's civil and military establishments defrayed out of their own revenues, but they contribute mainly to the support of Her Majesty's troops in India, as well as the recruiting expenses for the Indian service in this country. I do not say that it ought not to be so, or that India ought not herself to defray all the expenses necessary to good government; but I think our East Indian possessions are entitled to the fair and equitable consideration of the

Legislature. It is the duty of the British Parliament to promote their interests in trade and commerce. If those dominions were dependent on this country for maintenance, the interests of the mother country might very properly be preferred to their's; but that is not the case, on the contrary, they are a source of great wealth and power, and, I may add, of glory, to the British empire. Annually remittances are made to England from India amounting to upwards of 3,000,000*l.* sterling, for which no return is made; and therefore it might be considered as tribute; not to mention the large fortunes which individuals are constantly acquiring there, and returning to their native land to spend. The House, then, will surely agree with me, that in return for all these benefits, arising from our connection with India, the trade and commerce of those living under our authority, there, ought to be encouraged by every means consistent with justice, and a due regard to the interests of the mother country. Surely the products of British India ought to be admitted into the ports of Great Britain on the same terms of advantage as are granted to our other dependencies. The first article to which the petition of the East India Company alludes is sugar. By the 6th and 7th of William IV. cap. 26., the duties on East and West India sugar were equalised; but the conditions which were appended to that law confined its operation to Bengal. By the 1st and 2d of Victoria, cap. 33., means were prescribed for extending to other parts of the British territories in India the same advantages which had been conceded to Bengal; but those means were found to be unsatisfactory and inefficient, and calculated rather to interrupt than to promote trade. The importation of sugar grown in the British possessions in India was to be admitted at the low rate of duty, but at the same time the importation of foreign sugar into the East Indies was prohibited, and the further provision was imposed that Her Majesty in Council should be satisfied that the importation of foreign sugar was prohibited duly in the presidencies. Now, it is of the necessity for that reference to the Council that the Company complain. They see not the need, and they do feel the hardship, of interposing such delay in the course of their trade. In order to encourage the people of India to embark their capital in commerce, it is necessary to hold out to their expectations something like a certainty of success. It is difficult to deal with conflicting interests, at all times and under all circumstances; but this is more acutely felt with regard to India, she not being able to contend with conflicting interests, which are more powerfully advocated at home. The Company wish to have the provisions of the 6th and 7th William IV., granting certain exemptions from this troublesome proceeding to the presidency of Bengal, extended to the whole of India. All that the petitioners desire is, that that confidence which has been placed in some of the dependencies of British India should be given to them generally. Two of the subjects to which the petition alludes are, the duties on tobacco and spirits. The tobacco which comes from America to this country pays only a duty of 2*s.* 9*d.* per lb., while that which is imported from British India pays 3*s.* The petitioners therefore pray that tobacco coming from India may be placed on the same footing as that which comes from America. Then, with respect to spirits,— I allude principally to rum, — whilst the imports from the West India colonies pay 9*s.* a gallon, those from India pay 15*s.* a gallon. Now, I do not see why rum should not be admitted from India on the same terms as it is from the West India colonies. The petition also states, that whilst the cotton goods of this country are imported into India at from 3½ to 7 per cent. duty, as they may happen to be imported in English or foreign bottoms, similar goods manufactured in India are only admitted to this country on the payment of a duty of from 10 to 20 per cent. The effect of these arrangements is, that a great decrease has taken place in the importation of Indian goods into England. In 1813 and 1814 the importations of white calico, muslin, &c. amounted to nearly a million pieces in each year. In 1833 and 1834 that amount had been reduced to 50,000 and 75,000 pieces. But, meantime, in the importation of British goods into India a considerable increase had taken place. In 1814 the imports of British goods into India amounted in value to 109,487*l.* In 1837 they had increased to 2,160,936*l.*, and in 1838 to 2,445,000*l.* Then, with regard to silk goods — silk goods of Great Britain pay in India the same duty as cotton goods — namely, from 3½ to 7 per cent.; whereas silk goods from India pay 20 per cent. in this country This is, surely, unjust towards India; and I am quite satisfied that this injury might be done away with, without prejudice to either the manufacturers or the revenue of England.

There is another article alluded to in the petition, which, at the present moment, is a subject of peculiar interest in this country, — I mean the lately established cultivation of tea in Assam. I think that it would be good policy, and most advantageous to this country, if protection and encouragement were given to that produce. In time, no doubt, the tea grown in Assam will be as good as that imported from China; and I trust yet to see that a very considerable proportion of the tea consumed in this country will be the growth of India. There is another point also of very great interest, not so much affecting, however, our immediate territories as those which are dependent upon the British Government, — I allude, now, more particularly, to the state of Mysore. A difficulty arose, some two or three years ago, respecting the importation of coffee from the territory of Mysore; to which article the principle of equalisation was extended, as well as to that of sugar, by the 5th and 6th of William IV. Upon the occasion to which I allude, a question arose whether Mysore was a British possession? An inquiry having been made, it was ascertained that Mysore was nominally the dominion of an Indian prince, and, consequently, the coffee from that district was admitted as foreign coffee only. But Mysore is, in point of fact, under British authority; its revenues and territories are under British control, and as much British influence is exercised there as in Bengal. The principle for which I am contending, however, has been recognised, to the fullest extent, in a case which came under the notice of the Government during the last Session. A question having arisen as to whether coffee imported from a country contiguous to the British settlement at Sierra Leone was admissible at the low rate, the Lords of the Treasury and the Board of Trade called upon the importers to establish their claim by proving that the coffee was grown in the neighbourhood of a dependency of Sierra Leone, and that the people were in habitual and friendly communication with the British residents of that settlement. That was the condition upon which it was proposed to give the advantage to those people which the petitioners now ask for the people of India, who are not merely friendly to the British residents, but are actually under the same government with them, in states that form part and parcel of the British empire. Many of the Indian states are in the possession of this country, and others of them, though not in our possession, nevertheless aid our resources by subsidies and tributes; and they are, besides, restricted from intercourse with all foreign states, except Great Britain. I contend that the East Indies should be considered and treated in all respects as British possessions, and that the natives should enjoy all the privileges of British subjects; yet, under the Navigation Act, the natives of British India are excluded from the privileges of British seamen; which is a great hardship on them, while the same privilege is extended to the natives of the West Indies and other places, who have no greater claims than the natives of India. A ship from India, for example, cannot, except under peculiar circumstances, come to this country without a certain complement of British seamen, and cannot leave this country on her return, without British seamen; so that, in consequence of this arrangement, the supernumerary number of her Lascars have to be carried back to India as passengers. I have thus gone into the general statements of the petition, I trust, without having much tired the House. The empire of England in India has been acquired by this country under circumstances that have made it the wonder of the world. The natives of that country look to England for encouragement, protection, and assistance; and, when it is considered what benefits we derive from them, surely it cannot be too much to ask that they should have full scope afforded them for their industry, and every assistance for their encouragement. I feel convinced that the desirable result prayed for by the petitioners cannot be effected until every enactment that interferes oppressively with India, or checks in any way the industry of that country, is obliterated from the statute book. I beg to conclude by moving the following resolutions: —

1. That, with a view to carry out the intention of the Legislature, that sugar from the East Indian possessions should be admitted on equal terms with sugar from other settlements, it is the opinion of this House that, on the prohibition of the importation of sugar into ports in India by the local Government, the importation of sugar into this country from the ports of India, at an equal rate of duty, ought to be permitted.

2. That spirits, being the produce of British possessions, are in no case, except that of India, subject to a higher rate of duty than 9*s.* per gallon, the duty on spirits from India being 15*s.* per gallon; that it is the opinion of this House that the duties on spirits from all British possessions should be equalised.

3. That tobacco, the produce of British possessions in America, being subject to a duty of only 2*s.* 9*d.* per pound, while

that of India pays 3s., it is the opinion of this House that the duty should be equalised.

4. That, while cotton and silk piece-goods from the United Kingdom are admitted at the principal ports of India at an *ad valorem* duty of 3½ to 7 per cent., similar goods from India are subjected to duties of 10 and 20 per cent.; it is therefore the opinion of this House that the duties on cotton and silk goods imported from India should be subject only to such duties as are payable on the same description of goods shipped from this country to India.

5. That, with a view to the encouragement of the cultivation of the tea plant in British India, it is the opinion of this House that the duty levied on tea, the produce of British India, should be lower than that on tea imported from China.

6. That it is the opinion of this House that all inequalities existing in any of the colonial possessions of Her Majesty, in the amount of duty levied on goods the produce of the United Kingdom, and those the produce of India, ought to be removed.

7. That, under the construction of the term "British possessions," the produce of many parts of India, subject to the authority of the British Government, is charged with rates of duty applicable to the produce of foreign countries. That it is the opinion of this House, that the whole of the territories of British India should receive the benefit of the term for commercial purposes.

8. That those provisions of the existing laws of England which exclude seamen, natives of the territories of India subject to the British Government, from the privilege of being considered British seamen, while that privilege is extended to natives of other British possessions, operate prejudicially to a class of persons entitled to the protection of Parliament; and that it is the opinion of this House, that the law, in this respect, ought to be amended.

Before I sit down, I will add, that it is my intention, on Wednesday, the 4th of March, to move that the whole House resolve itself into a committee, to consider the duties payable on articles the produce of British India, with the view of equalising them.

Mr. HOGG. — Having the honour of a seat in the direction of the affairs of India, I trust the House will kindly grant me their indulgence. I feel deeply conscious how unworthy I am to occupy their time; and I evince that consciousness by my rarely obtruding myself on their attention. On the present occasion, I feel that I have a duty to perform, which does not permit me to remain silent; and I am further prompted to attempt the discharge of that duty, by strong feelings of gratitude and attachment towards the country where I passed the best days of my life. I know, full well, how little disposed Honourable Members are to submit to the infliction of an Indian debate. There is infused into it none of that party spirit that crowds our benches and commands our attention. It affords no expectation that the great leaders in this House will take part in the discussion. There are no watchful constituents to note those who are absent, and require an explanation. It is a dry detail of grievances, long existing and patiently endured; urged, perhaps, by the feeblest voices in this House, and on behalf of millions who can exercise no influence on our councils. The days, however, have passed, when India can be regarded as separate and distinct from the rest of the empire in her political and commercial relations. No man, wishing to take a part in public life, can now regard India as fit only to occupy the attention of the civil and military servants of the East India Company, but as unworthy the consideration or study of a British statesman. India, for nearly a century, has contributed most largely to our political strength and commercial prosperity, and had always a strong claim on our gratitude and justice. It is no longer necessary to confine the appeal to gratitude and justice. Her interests, political and commercial, are now absolutely identified with those of England; and I am enabled to make the more powerful appeal which addresses itself to self-interest. The countries intervening between our north-west frontier and rival European states are no longer unknown and unexplored. The time selected by my Honourable Friend to call attention to this petition has been most happily and opportunely chosen. We cannot forget that many days have not passed since the thanks of this House were voted to our Indian army for their glorious achievements to the west of the Indus; — in a campaign almost without example for the length of the march and the difficulties of the country traversed, — where we saw the natives of India vying with British troops in their endurance of toils and privations, — in their bravery in the breach and in their clemency in the citadel. Whence, I ask, came the immense resources necessary for that campaign? From those, on whose behalf I now address you.

Confine not yourselves, then, to barren votes of thanks to the soldiers of India, who fight your battles. Do substantial justice to the countless inhabitants of that mighty empire; who, without murmuring, furnish you with the means. When thus draining India of her treasure, I do hope that you will not withhold from that country the means of recruiting her exhausted strength, afforded by the bounty of Providence and her own industry. I do venture to hope that the House will this night express its opinion in language sufficiently strong to support the Right Honourable Gentleman the Chancellor of the Exchequer, if wavering, and to coerce him, if reluctant. I believe I have no principle to contend for. Every one admits the impolicy and injustice of discriminating duties, with respect to different parts of the same empire. But with respect to India, they are peculiarly impolitic and unjust. Look at the relative circumstances and condition of England and India. It so happens, that each can furnish what the other requires; and I can see no limit to the extent to which they may mutually benefit each other, without interference or collision. If we are to legislate selfishly for England, and solely with reference to her interests, I do not believe that we could accomplish our object better than by doing full and ample justice to India. England requires an outlet for her manufactures; India affords a market almost inexhaustible, with reference to its extent and population. There is no want of disposition in the natives to purchase our manufactures: they lack the means, not the will. Improve their condition, by encouraging their agricultural and commercial industry, and thereby inducing British capital to find its way to the interior; and you will thus advance your own interests, while you perform a sacred duty towards India. There has been none of that rush of capital to India that was predicted during the debates on the renewal of the charter. It is, perhaps, better for the interests of India, that there has not been an improvident rush of capital and speculation towards that country. It would have been attended with ruin to the individuals, and no benefit to the country, as we saw in the case of South America. I believe that British enterprise and British capital will soon find their way to the interior of India, when the Legislature have shown their determination to give all fair encouragement to Indian interests; and I trust that the result of this night's debate will fully establish that confidence. If Honourable Members who take an interest in the matter have the petition in their hands, I shall, perhaps, best meet their convenience by adverting to the different articles in the order in which they occur in the petition. But, before doing so, I will beg the attention of the House, for a few minutes, to the general state of trade in India, and to its present state, as contrasted with a distant period, and before the trade was opened. I will take the year 1806, and compare the exports from Calcutta, in that year, with the exports in 1836; and, in doing so, I will mention, separately, the amount of opium and indigo, and class the rest as general trade; and the result is as follows:—

1806.

	Rupees.
Opium	5,886,888
Indigo	5,221,609
Re-exports	859,859
	11,968,356

1836.

	Rupees.
Opium	17,657,683
Indigo	12,819,150
Re-exports	2,446,089
	32,922,922

General Trade, 1806.

	Rupees.
Raw produce	15,047,988
Manufactures	13,849,670
Sundries	1,044,494
	29,942,152

General Trade, 1836.

	Rupees.
Raw produce	18,061,647
Manufactures	4,501,361
Sundries	1,510,834
	24,073,842

Thus showing a great increase in opium and indigo, the only two articles for which European capital is available; but a very considerable decrease in the aggregate of the rest of the trade. I will now, as shortly as I can, call your attention to the several articles mentioned in the petition. The first is sugar: and I am sure it will be satisfactory to the House to hear the results of the equalisation of the duties. In 1835, the year before the equalisation, the quantity of East India sugar imported for home consumption was 98,722 cwt.; and in 1838, was 418,717 cwt. The petition prays for no new enactment, as regards principle. It was the intention of the Legislature, by the 1 & 2 Vic. c. 33., to extend to Madras and Bombay the same benefit that had been conceded to Bengal; and all we ask is, that the intentions of the Legislature should be carried into effect. The provisions requiring a reference to the Privy Council create delay and uncertainty; and the petition prays that those restrictions may be removed; and that the presidencies of Madras and Bombay should be placed under the same law that is now applicable to Bengal; — to which I cannot suppose any objection will be made.

The next article is coffee; and I am happy to state that the increase in the quantity of East India coffee retained for home consumption, since the equalisation of the duties, far exceeds what could have been anticipated. In 1834, the year before the duty was equalised, the quantity was 4,558,604 lbs.; while, in the year 1838, it amounted to 10,283,047 lbs. I need not dwell on the great advantages of rendering coffee abundant and cheap, and thereby extending its consumption throughout all classes of the community. I believe that the general introduction of coffee, as a beverage, among the working classes, would tend to check the consumption of ardent spirits more than any other measure that could be devised. With respect to coffee, the whole difficulty arises from the construction put on the words "British possessions." The Board of Trade limit the application of the term to territories ceded by treaties, or occupied after conquest, by the British Government, without any native prince being in exercise of any sovereignty, real or nominal. The East India Company contend that it ought to include all states with which we have subsidiary alliances; but more particularly Mysore, where the British Government has actual possession, and administers the whole civil and military government of the country, the Rajah only receiving a stipulated allowance. I beg to state that the Board of Trade has only recently imposed this rigid construction on the words "British possessions." In December, 1833, an Order in Council was passed, allowing pepper, imported from Travancore, to be received at the low rate of duty, as the produce of a British possession; although that country was, at the time, in the exclusive possession of the Rajah, by whom the government was administered. I should hope that no legislative enactment will be deemed necessary, and that the benefit of the Order in Council, which permitted pepper to be imported from Travancore at the low rate of duty, will be extended to coffee grown in Mysore.

The next article is rum, which, coming from the West Indies, is subject to a duty of 9*s*., while the East India rum is subject to a duty of 15*s*., — which amounts to an absolute prohibition. There are annually retained for home consumption upwards of 3,000,000 gallons of rum, not one gallon of which comes from India. Rum must follow sugar; you cannot have equal duties for one part of the produce of the cane, and unequal duties for another. It cannot be said that the duty upon sugar has practically been equalised, while the West Indian can turn his refuse to an advantage from which the East Indian is excluded. I feel that I need not labour this point, and that justice upon it cannot any longer be withheld.

The next article is tobacco. "We pray that tobacco grown in India may be admitted at 2*s*. 9*d*., the same duty as is paid on tobacco the produce of the British possessions in America." In 1836, upwards of 52,000,000 lbs. of tobacco were imported into the United Kingdom, of which, only 44,000 lbs. came from India; where soil and climate are peculiarly calculated for its growth. I am aware that very little has come from the British possessions in America; but I claim for India the same benefit you have conceded to them; and I will venture to predict that the result will be very different. I feel the weight of the argument that may be urged with respect to the extent to which the revenue might be affected. The revenue could only suffer materially if India afforded a considerable portion of the whole supply; and, if she did, the benefit to India directly, and to this country indirectly, would much more than compensate for any such deficiency.

The next article alluded to in the petition is cotton, which, for centuries, has been one of the great staples of India. Her fertile plains can supply, almost without limit, the raw material required by the manufacturing industry of Great Britain. Cotton can be imported from India into Great Britain, and, through the wondrous agency of steam, can be manufactured into cloth, returned to India, and there sold cheaper than the cloths made in the country! The consequence is, that the country manufacturers (except for the very coarse cloths) have been wholly ruined, and entire districts have been reduced to a state of utter destitution. In Dacca the district where the beautiful fabrics known by the name of Dacca muslins were made, thousands have been thrown out of employment; and the accounts I have heard of their misery and distress far exceed any suffering known in this country. Now, under these calamitous circumstances, is it not monstrous that the cotton piece-goods of India, when brought into an English port, should pay an *ad valorem* duty, in no case less than 10 per cent., while the cotton piece-goods of England are imported into Calcutta at an *ad valorem* duty of only 3½ per cent.? I believe that no language I could use would be too strong to characterise such gross and grinding injustice. To judge of the extent and severity of the calamity inflicted on the cotton manufacturers of India by English competition, you must look to what was formerly their condition. Cotton is eminently the staple manufacture of the country. From the nature of the climate, every individual of its dense population is clothed in cotton piece-goods; from which fact some estimate may be formed of what was once the extent of the manufacture, and the number of those employed. To aggravate their misery, they have not the same facility in turning to other occupations that persons in this country have. In India, particular trades are mixed up with the peculiarities of caste; and when men are thrown from the calling pursued from time immemorial by their forefathers, they are helpless, and their desolation is complete.

I will show you, from official Returns, the great increase in British exports to India since the opening of the trade; and, in particular, the immense increase in the export of our cotton manufactures. I will, likewise, confirm what I have stated by Returns, showing the utter extinction of the export trade of cotton piece-goods from India. In 1814, the value of the goods exported by the East India Company, and by private traders, to countries eastward of the Cape of Good Hope, excepting China, was 1,874,690*l.*; and, in 1836, was 4,285,829*l.* The value of British cotton manufactures exported to the East Indies in 1814, the first year of free trade, was 109,487*l.*; and, in 1838, was 2,445,654*l.* In 1814, the first year of free trade, there were imported into Great Britain of white calicos and muslins 967,652 pieces, when the duty was 62½ per cent. In 1834, the number imported was only 76,122 pieces, when the duty was only 10 per cent. But, to compare with the present a more distant period: the cotton piece-goods exported from Calcutta, in 1806, amounted in value to 1,460,000*l.*; and, in 1836, to only 108,000*l.* Thus it appears that the export trade of cotton manufactures from India to Great Britain has been utterly destroyed; that the home market in India has been seriously injured by British competition; and in the cloths that continue to be manufactured, a large portion of the yarn used has latterly been imported from Great Britain. In 1814, the amount of cotton yarn exported to India was 8 lbs.; and, in 1838, it was 10,710,136 lbs.

While I deeply lament these calamitous results, I do not ask you to protect the cotton manufactures of India, by imposing prohibitory duties on the importation of English piece-goods — I ask for no artificial protection. I only ask for equal duties, for fair play, and fair competition. If the duties were equalised to-morrow, I do not believe that India, in the finer descriptions of cotton piece-goods, could compete with England, aided by machinery, almost without limit in its powers of production. But you cannot defend the inequality of the duty by showing it to be useless — you cannot defend the injustice by showing it to be gratuitous. Equalise the duties; show me that India cannot compete with England in this manufacture; and, in the language of the petition, I "will not complain of any result which may be regarded as the effect of the natural course of trade, and not as the consequence of unjust impositions." By discouraging the cotton manufactures of India, you have discouraged the culture and improvement of the raw material, in which you are most eminently interested. England is now dependent for her supply of cotton on a foreign country, with which our relations are, at this moment, in a state calculated to create some feelings of uneasiness. What would be the condition of the manufacturing districts if the supply of cotton were interrupted? and what would be the condition of this country if the most important of her exports were, for a time, to cease? Under such circumstances, to India, and to India alone, can you look; and I hope the day is not far distant when she will be able to afford cotton of quality and staple suited to all our manufactures. The natives have not capital, nor have they the requisite information to enable them to make the proper selection as to seed, climate, and soil. British enterprise and British capital alone are wanting. Both are superabundant, and both will be forthcoming when Parliament has evinced its determination to establish a full and perfect system of reciprocity with India.

The next article mentioned in the petition is silk; and I will pass as rapidly as possible over what remains, feeling that I have already unduly trespassed on the kind indulgence of the House. Silk piece-goods introduced into British ports pay a duty of 20 per cent., while British silks are admitted into Calcutta at a duty of only 3½ per cent. The bare statement of this inequality is sufficient; and I should only weaken its force and effect, by any attempt at commentary or argument. Some trade still continues in the export from India to Great Britain of bandannas, or handkerchiefs; but the export of all other descriptions of manufactured silks has almost ceased. In 1814, there were imported into Great Britain 71,502 pieces of bandannas, and in 1836, 331,652 pieces. Of taffeties and other descriptions of silks, there were imported into Great Britain, in 1814, 31,115 pieces; and, in 1836, only 741 pieces: and, be it remembered, that, in 1814, the duty was 62½ per cent., and in 1836, the duty was only 20 per cent. I will not detain the House by dwelling on the importance of giving every encouragement to the cultivation of tea in Assam, at least during its infancy; and feel assured that Government will see the expediency and justice of making some difference in duty between tea produced in the British possessions in India and that brought from a foreign country. I wish to avoid entering on the wide question of discriminating duties, and would, therefore, suggest, that the proposed indulgence should be granted for only a limited period, — say five years.

The petition, lastly, prays relief with respect to certain provisions of the navigation laws, which operate most injuriously on the interests of the natives of India, and of those concerned in Indian shipping. It is declared, by the navigation laws, that natives of places within the limits of the East India Company's charter, although under British dominion, shall not be deemed to be British seamen; while negroes and all others born in the British possessions in America are entitled to that privilege. This provision presses with peculiar severity on the Parsee merchants of Bombay, who are large shipowners; and, I have been informed, it frequently happens that ships from Bombay, which have arrived here, navigated by Lascars, have been compelled to take on board the required proportion of British seamen on the return voyage, and to carry back, as passengers, their own Lascars. I hold in my hand a long list of articles, the produce of India, subject to duties varying from 10 to 160 per cent.; but I am unwilling to encumber the present discussion by referring to articles not mentioned in the petition. I am glad that my Honourable Friend has not moved for a Committee, which would only have produced delay, and continued the injustice for another year. In fact, there is nothing to inquire about; the inequality of duties set forth in the petition is beyond dispute; the injustice of that inequality cannot, I believe, be denied. We seek redress, — immediate redress, — and not inquiry. I do hope that the Right Honourable Gentleman the Chancellor of the Exchequer will not imagine that attention has been called to this petition merely to extract from him some general expression of sympathy towards India, — some abstract declaration of the injustice of the existing inequalities, with the intimation of a hope that he may, at some future time, have it in his power to afford relief, but concluding with the usual official wind-up, that the present is not the fitting time and occasion. I shall consider it my duty to urge the Right Honourable Gentleman, as strongly as I can presume to do, to declare, this night, his opinion and intentions as to each of the resolutions, clearly, distinctly, and definitely, as to time. If there be any one of them that states any fact which can be disputed, or involves any principle not admitted, let him single out that resolution for consideration, and declare his adhesion to the rest.

I know not what course the Right Honourable Baronet at the head of the Board of Control may feel it his duty to pursue; I believe that Right Honourable Gentleman to be most anxious to advance the interests of India, as far as may be in his power. I am aware, however, that he must act in concert with his colleagues; — I know that he must pay due attention to divers suggestions from his Right Honourable Friend the Chancellor of the Exchequer; — I know that there are powerful opposing interests, which cannot fail to influence, or, at least, to embarrass him. The little parliamentary experience I have had tells me, that when a Minister is thus circumstanced, — when he is unable to accede, and cannot refuse, — he seeks refuge in a Select Committee. I do hope that my Honourable Friend will not agree to any such proposal, but will press his resolutions to a division. I rely with confidence on the justice of this House; and that confidence is, in no small degree, increased, when I make my appeal, not on behalf of an individual, — not on behalf of any particular interest, but on behalf of the whole inhabitants of a distant empire, whose destinies have been committed to our rule. It matters not that half the world intervenes between them and the seat of our councils. I do believe that the British House of Commons, regardless of distance, of climate, or of colour, will ever prove itself ready to dispense equal justice to all subjects of the Crown, whether in the West or in the East.

Upon the question being put, —

Mr. LABOUCHERE said: — Sir, I certainly do not rise to express any difference of opinion from the Honourable Gentleman who has introduced the subject, either as to the importance of the subject itself, or the weight which it derives from the character of the gentlemen who have signed the petition — the representatives of that great company which has so long managed our vast East Indian empire; and, I may add, that the subject comes further recommended by the circumstance of its being brought forward by a Gentleman who, after a long and distinguished career in India, is now sitting among us, uniting, in his own person, so many claims to our attention; and I can assure the Honourable Baronet and the House that I approach the subject in anything but a hostile spirit. I may be permitted to say, that the Honourable Baronet has no reason to apprehend that the question will be considered by Government with any desire to come to an unfavourable conclusion, when it is remembered that it was the good fortune of that Government, only a few years ago, in 1836, to carry the first great step towards placing the interests of our East Indian fellow subjects on the same footing as those of their fellow colonists in other parts of the world; — that it was that Government which, in 1836, placed those two staple articles of East Indian produce, coffee and sugar, on the same footing with the same articles grown in the West Indies. I trust, therefore, that if I feel it my duty on the present occasion to urge on the House the strong objections which I feel to its pledging itself to the resolutions now proposed, it will not be imputed to me that I am actuated by any hostile or unfavourable spirit toward the interests of our East Indian fellow subjects. But, Sir, it is impossible to look at the many all-important questions involved in these resolutions, having reference, as they have, to the highest interests in commerce, finance, and manufactures, without feeling that the House would not be acting with the deliberation it ought to exercise on such a subject, — that it would not be acting with the care and caution which the importance of the case demands, — if it were now to affirm the principles embodied in the Honourable Baronet's resolutions. With respect to these resolutions, in themselves, I must, in the outset, observe, that although many of the points advanced in them seem, at first sight, to exhibit a comparison showing unfair treatment, as between our East Indian possessions and the other portions of our colonial empire, yet, when we look more closely into the matter, it will appear that the difference does not, in many cases, exist at all; and is, in many other cases, more theoretical than practical. I am very glad to find that the Honourable Gentleman opposite is satisfied with the measure of 1836. That measure has been most beneficial in its effects, both upon sugar and upon coffee. The following is a statement of the quantities of raw sugar, the produce of the British West India colonies, and of the British possessions in India, imported and entered for consumption in the United Kingdom in each year, from 1832 to 1839: —

Years.	West Indies, exclusive of the Mauritius.		India.	
	Imported.	Entered for Consumption.	Imported.	Entered for Consumption.
	Cwts.	Cwts.	Cwts.	Cwts.
1832	3,773,456	3,824,264	88,238	79,595
1833	3,646,204	3,469,642	120,625	98,282
1834	3,843,976	3,748,934	77,230	121,481
1835	3,524,209	3,774,821	107,100	98,722
1836	3,601,791	3,296,641	155,950	110,257
1837	3,306,408	3,562,778	297,923	270,078
1838	3,520,675	3,369,084	443,853	418,726
1839	2,822,872	2,790,294	460,344	478,010

I am happy to say that the House, in passing these measures, has not been disappointed. We have effected increased production in India, and furnished an increased supply at home. I will also add, — although I cannot, perhaps, very regularly allude to it, — that the Government, in acceding to a motion in another place for a Select Committee to inquire into the subject of the resolutions, has at least evinced a disposition to allow the whole question to be thoroughly investigated. Notwithstanding that the Honourable Gentleman who seconded the motion seems to think that we ought at once to jump to his conclusions, as self-evident and plain. I consider that the question before us is one which requires the most grave and serious inquiry; but, whenever it can be shown that, with security to the revenue, and with justice to other interests, any further progress can be made in removing the anomalies that exist between the trade and commerce of our East Indian possessions and those of the other parts of our colonial empire, then there will be no indisposition on the part of the Government to follow up the principles which have guided them in the reductions already made in the duties on coffee and sugar.

I now come to the statement made in connection with the first resolution, — that although, nominally, we have admitted sugar from India on the same terms as from the West Indies, yet that we have not really done so; — in fact, that sugar from India still labours under a practical discouragement. The House must consider, in questions of this kind, that when we are desirous to deal out equal justice to two parties, if the circumstances of the parties are different, we must employ different means of attaining the object. What is the case with regard to our West Indian possessions? By an Act of the Imperial Legislature, our West Indian possessions are absolutely prohibited from importing a single pound of foreign coffee. There are many parts of India to which that law could not be applied, because they depend on foreign countries for their own supply of coffee. It would, also, not be a boon, but an injury, to extend to all parts of the continent of India permission to export sugar, accompanied with a prohibition to import any for their own consumption. The Government have taken another course. We have allowed any district of India that chooses, to renounce the privilege of importing sugar. A prohibition may now be issued of the importation of foreign sugar to that particular part of India, and therefore such district will have the privilege of exporting sugar to this country. It is true that we reserved to the Queen in Council the right of judging whether the proofs laid before them of the non-importation should be satisfactory. We do not allow the local Government of India to be judge in that matter; which appears to me to be a proper subject for Imperial legislation, and not fit to be determined by any power, however respectable, in any other part of the world. We should be departing from the principles of the connection between colony and mother country, by allowing so important a question to be decided in any other way. Nor is the present arrangement of any practical inconvenience to India, because it can only cause a delay of a few months. And let me also observe, that, as the importation of any commodity from India to this country concerns the officers of the revenue and the executive department, it would be hardly right that they should receive their instructions with regard to an alteration in the duties on any commodity from the authorities in India, instead of from the Government at home. With regard to the question of coffee, the Honourable Gentleman has allowed that the importation of coffee from India is working well; but he complains that we do not admit coffee grown in tributary and allied states on the same low duty as that from the British possessions. That is a very important, and not a very easy, question; and I would entreat the House not to commit themselves rashly by any expression of opinion upon it, at present. In the first place, the West India colonies, which are truly British, have a right to expect that care should be taken, when admitting the produce of any other country on an equal footing with their's, that that country should be completely and *bonâ fide* British. In the next place, I doubt exceedingly whether, if we were to admit the produce of countries, not strictly speaking British possessions, at a low rate of duty, we should not lay ourselves open to claims on the part of other powers with whom reciprocity treaties exist, binding us to admit their productions on the most favourable terms which are afforded to any foreign nations. It must be obvious, therefore, that this question requires the greatest consideration before any decision can be come to upon it. The Honourable Gentleman also complains, that, with regard to tobacco, the trade of the East and West Indies is not on the same footing. It is undoubtedly true that the duty on tobacco from India is 3*s*., and from the West Indies and the British possessions in North America, 2*s*. 9*d*. Some years ago the reduction was made in favour of the latter countries, but it has remained a dead letter. The whole amount imported from these countries has been so inconsiderable, that the law which enacted the reduction may be considered inoperative. I will read to the House the amount of the manufactured tobacco from the British plantations in America within the last few years: —

	lbs. manufactured.	lbs. unmanufactured.
In 1832	15	25,156
1833	41	11,001
1834	47	7,926
1835	1,523	8,928
1836	1,316	13,866

In 1837 the whole quantity of manufactured tobacco imported was 214 lbs.; in 1838, 25 lbs.; and in 1839, not one single pound of tobacco, manufactured or unmanufactured. I mention these facts, for the sake of showing that, while there appears to be favour shown in this matter to other colonies over India, there is, practically, none. On the other hand, it is the case, — and I am glad that it is so, — that we are importing a continually increasing quantity of tobacco from India. When I am asked whether the Government should at once pledge itself to allow all tobacco from the East Indian empire into England at the reduced duty of 2*s*. 9*d*., I must beg leave to point out the importance of the financial questions involved in such an arrangement. Tobacco is an article from which we obtain an enormous revenue, in proportion to the prime cost of the article, which is not more than 2*d*. or 3*d*. a pound. Upon that we are enabled to levy a duty of 3*s*. a pound, and to derive an enormous revenue from it. Now, whatever may be said as to the justice of reducing the duty on tobacco from the East Indies, still the House must consider the importance of the financial question upon which we are called to pledge ourselves. The next question which the Honourable Gentleman brought forward, and on which he addressed the House with great eloquence and effect, was, the conduct of this country with regard to the cotton and silk manufactures of India. The Honourable Gentleman has pointed out the high duty which has been laid on these articles when brought from India to Quebec and other places, and the low duty which is paid on the same articles when exported from England. Whether this difference is just or unjust, no Gentleman who has paid attention to the history of the cotton manufacture can think that it has had any serious effect in the extinction of the cotton export trade of India, and the substitution of the immense cotton trade of this country. It has been owing to machinery, to capital, and to other causes, that the trade of this country has been raised to such a pitch of magnitude and importance; and neither the imposition nor the repeal of the duties in question can have materially affected it. In any case, however, I must confess that, with regard to these duties, we shall be bound to consult the interests of the revenue, as well as those of trade. Certainly it would neither be wise nor judicious for the House — without seeing what existing interests would be affected by it, and without looking narrowly into the complicated considerations which are involved in the question — to pledge itself at once to a great and sweeping alteration. I think we may trust in the spirit which actuates the country and the House of Commons, and I may say the Government, for the removal of the anomalies which exist, whenever, with justice to the finances, to the interests of our colonial empire, and the manufacturing and mercantile classes, whom a change would affect, that removal can be accomplished.

The question of the admission of rum from India is one which the Honourable Gentleman seems to treat as perfectly simple. To me, however, it appears to be a very complicated one. If rum could be admitted under regulations which would prevent other spirits coming in along with it, the question might be easily settled. But the boon once granted to India of admitting her sugar on the same terms with West Indian sugar, it would follow, as a natural consequence, that rum made from the refuse of sugar should be admitted also. That principle seems to be fair and just; but I believe that, practically, it would be found difficult to carry it into effect. There is a very large manufacture of spirit from rice in India; and it would be extremely difficult, if the door was opened for the admission of rum, to prevent arrack from getting in also. It would be scarcely possible to preserve the distinction. By a little mixture of molasses with the rice, spirits might be obtained which would easily find admission. Upon this point, also, I wish the House to observe the importance and extent of the question we are called on to decide. I do not mean to say that the question is not well worth the consideration of the Government; but, assuredly, nothing could be more injudicious than a precipitate pledge upon the subject by the House of Commons. With respect to the article of tea, I believe that the quantity imported from Assam is a mere trifle.

Whether we should make a distinction between such tea coming from our own possessions and any other, I am not prepared to offer an opinion. If I had an opinion on the subject, which I must confess I have not, I should not think it right to declare it now; because it is the duty of a Minister not to announce his intention of altering a duty until he is prepared to bring forward a measure to effect the alteration, and to take the opinion of the House without loss of time. In making such a reduction it would be necessary to take effectual steps for preventing Chinese tea from finding its way into the ports of India, and being imported as coming from Calcutta; otherwise we might find a great deal of Assam tea which had never grown on British territory. In the next resolution (the sixth) there appears to be a misprint of "England," instead of "India."

SIR R. JENKINS. — The word should be India.

Mr. LABOUCHERE. — The resolution proposes that inequalities of duty in any of the colonies, on British and Indian produce, should be removed. I think it is wrong, by an Act of the Imperial Legislature, to create such inequalities; but I believe that the hardships suffered from them, by India, are not very great. In the British possessions of North America the whole produce of India is admitted duty free. The last resolution complains that the Lascars, or Indian seamen, are not treated on the same footing with what are commonly called British seamen. A ship, manned by Lascars, is not entitled to the privileges of a British vessel. With respect to that resolution, I can only say that this has been an old principle in the navy, which has been recognised by enactments of the East India Company. It is a question of defence and of national policy; and I doubt whether the House would be warranted in departing from that policy which encourages a nursery for British seamen, who, in times of peril, are to defend their country. The House should pause before it adopts any resolution upon those important subjects. I do not think it will be necessary for me to trouble the House at greater length. I shall feel it my duty to oppose the adoption of these resolutions by the House; but, at the same time, I can assure the Honourable Baronet who has introduced them, that the question on which they bear shall not the less receive the attention of Government. I fear that, by acceding to the resolutions, the House would be taking a leap in the dark, and would not be benefiting one colony, while they would run a chance of injuring another. I think it is the duty of the Legislature, while it seeks to do good to every part of the empire, to endeavour to do so with as little admixture of harm as possible.

Mr. HUME. — It gives me great satisfaction to find the Honourable Baronet opposite bringing forward a question which is so important, not only to India, but to the whole empire. I am one of those who have always regretted that facilities have not been given to Indian commerce and production, because I know that that country only wants such facilities to make it a market for our own manufactures to an enormous extent. If we were to give encouragement to the industry of the people of that country, and thus enable them to pay for our manufactures, they would be our best customers. Sir, I give to every one of the propositions of the Honourable Member for Shrewsbury my most hearty concurrence, except that one which suggests a differential duty on tea. I think that, by establishing such a duty, we should only be encouraging individuals to employ their capital in a trade which must ultimately be checked. I quite agree with the Honourable Baronet, that a most unfair distinction has been made between East Indian produce and that of other colonies; and I do hope that a very short time will elapse before this distinction shall be abolished. With regard to the duty on spirits, I think there is no reason why spirits from India, the produce of sugar, should not be imported into this country on the same terms as spirits from the West Indies. I therefore concur in the resolution which recommends that reform. To that resolution I have heard no answer from the Right Honourable the President of the Board of Trade, except his assertion that advantage would be taken of any relaxation, in favour of spirits distilled from sugar, to import spirits the produce of grain. There might be some trifling fraud of that description; but we should not refuse a great good through fear of a trifling evil. I do not see, either, why spirits distilled from grain should be excluded. The great island of Ceylon produces arrack in abundance; and I do not understand why it should be excluded from our markets. At the same time, if the President of the Board of Trade shall choose to raise the duty on spirits generally, I will not object, because I consider spirits to be the opium of this country; and that whatever restricts its consumption will improve the morals and health of the people. With regard to tobacco, I have heard no satisfactory reason given why the duty on that which is produced in India should not be reduced. In India good tobacco is sold in the bazaars at 1*d.* a pound; and if the duty here were such that it could be manufactured for our market, we could have an unlimited supply from that country. If the duty on all tobacco were reduced to 1*s.* 6*d.* a pound, smuggling would be prevented, and India would have a share of our market. The next article mentioned by the Honourable Baronet was coffee; and certainly the strongest argument in favour of its admission into this country has been adduced by the Right Honourable the President of the Board of Trade. He has shown that, in the import of sugar, the article on which we have reduced the duty, there has been a most enormous increase since the reduction. I do not think that the fact of there being a Committee sitting in another place on Indian affairs should prevent our investigating the question, here. Among the important points we should investigate is the treatment which is afforded to the Indian cultivators of cotton. They could produce enough to supply half the world, and should at least be encouraged by an equal duty. The last question to which the Honourable Baronet alluded was the position of Lascar seamen. The Right Honourable the President of the Board of Trade stated, that the reason why the use of these seamen has been discouraged, has been a fear that they might interfere with the increase of British seamen, and thus lessen our means of defence in time of war. I can assure the Right Honourable Gentleman that the reason why the employment of Lascars in homeward-bound ships was prevented was, that those poor men often suffered much misery from inability to return to their native country. I believe that this was the cause of the Registration Bill. I have thought it right to make these few observations; and I trust that, even should the Right Honourable Gentleman below me deem it expedient to oppose the resolutions, he will speedily take the matter into his consideration, with a view of doing justice to our Indian possessions.

Mr. A. CHAPMAN. — I am much pleased to see this subject brought under the consideration of the House. I took the liberty, four years ago, of recommending a change in the system of duties which regard the trade of India. That recommendation has been adopted, and the result has been most satisfactory. I do hope that that result will induce the Government to proceed to further changes in those duties; that they will proceed to such an equalisation as will effectually encourage the Indian trade. The importance of the coffee and sugar of India has greatly increased since the time when the Noble Lord below me (Lord Stanley) succeeded in emancipating the negroes in the West Indies, because the produce of those latter colonies has been decreasing ever since. What we ask for is, an equalisation of duties for India; we ask for what is, in fact, a mercantile Bill of Rights; and I trust that our demand will receive the favourable consideration of Government.

Mr. EWART. — I rejoice, Sir, that this question has fallen into such able hands. It is a question which those of the Members of this House who advocate the principles of free trade have long taken an interest in, — and no one more than myself. Whichever way we look at this question, it resolves itself into two points — justice and self-interest; — justice towards India, and self-interest as regards this country. Based on these two principles, I am quite convinced that the question introduced by the Honourable Baronet the Member for Shrewsbury will at length be carried. I cannot accede to the argument of the President of the Board of Trade, in which he asserts that the resolutions of the Honourable Baronet pledge the House to a specific plan of legislation. They pledge us simply to go into a Committee of the whole House to consider the present state of the laws respecting Indian produce. With respect to the objection of my Right Honourable Friend to the introduction into this country of coffee, the produce of our Indian dependencies, I beg to remind him, that in the case of Africa, it was ruled, that coffee produced on any land connected with or near to any British factory, should be considered as British colonial produce. Now I would ask, why should not the produce of our Indian dependencies be placed on the same footing? The consequence of the relaxation of the law with respect to Africa, has been, that foreign coffee has, to an enormous extent, been imported into this country from the Cape of Good Hope, to the exclusion of Indian coffee. With respect to tobacco, it would be equally beneficial to India and to this country to admit it at a low duty. As to rum, also, I cannot conceive how my Right Honourable Friend can think it just or reasonable to admit East India sugar, and to exclude rum, which is made from it, from our market.

I am sorry to disagree with my Right Honourable Friend on another point, which is, the question of a differential duty on tea. I should be sorry to find any difference made in this matter, in favour of India. I would not consent to make a sacrifice of principle, even in favour of India, to which I think it would only give a false protection, and, besides, it would be a deviation from those principles of the late Mr. Huskisson, which I hope to see my Right Honourable Friend follow. The subject of sugar has been so fully treated, that I will not trouble the House with any figures in relation to that subject, but will proceed to the article of cotton. In that article, our imports have latterly very much increased. In 1838, our imports were 34,000,000 lbs.; and in 1839, they increased to 39,000,000 lbs. The subject of cotton is most important, as Honourable Gentlemen will scarcely believe to what extent the plant may be cultivated in India. That country is capable of producing the Sea Island, the Georgian, the New Orleans, the Egyptian, and the indigenous cotton plant; in fact, there is no species which may not be cultivated in India. However, no reduction of duties on Indian produce will effectually serve the country, unless we make such a change in the laws as shall give to the natives a fixed title in the land. We must also make good roads — than which nothing is more necessary for the advancement of commerce. By doing these things, and thus developing the resources of India, we shall be opening a market for our own produce in a country whose present demand for them is inconceivably small. I have ever felt that it is one of our most prominent duties to attend to the interests of our Indian empire; and I sincerely hope that this House will no longer be indifferent to the welfare of those mighty regions,—regions which form the finest territory that ever was consigned to the care of any country. I will, in this hope, then, vote for the motion of the Honourable Baronet, not wishing to be understood as pledging myself to all these resolutions; but with the intention of giving to them all, my best consideration, with the view of doing justice to the interests both of this kingdom and of our Indian empire.

SIR J. HOBHOUSE. — My Honourable Friend the chairman of the Court of Directors, and the Honourable Gentleman who seconded this motion, have done me no more than justice in attributing to me, since my connection with the Government of India, the utmost desire to promote, to the best of my abilities, the interests of the inhabitants of the great empire intrusted to our charge. With reference to the present subject, the Court of Directors have done me the honour to request me to support the petition that has been presented, and to give my best services to carry the prayer of the petition into effect: and I think I shall best act up to — not my pledge, for I made no pledge, but to — the answer which I gave to that application, by asking my Honourable Friend opposite, and the House, to adopt the course which I shall now propose to them. It is very true, as the Honourable seconder of the motion has said, that I feel myself in the situation in which almost every President of the India Board must necessarily be placed, — willing and anxious, on the one hand, to do all that can tend to the advantage of India, but, on the other hand, from my position and connection with the general Government, obliged, also, to pay due attention to all interests contradictory to, and in collision with, the interests of that empire. Still, notwithstanding the difficulty of such a position, I am happy to say that I hope I shall be able, without sacrificing any general interest, to do that which will be an essential and an unmixed good to India, and which I hope my Honourable Friends opposite will agree with me is the best and safest course that can, under the circumstances, be adopted. I need scarcely say how anxious Her Majesty's Government is to effect everything it properly can accomplish to promote the object of this petition; and in proof of this, I may refer to the fact, that the petition in the other House was presented by a Nobleman holding a high situation in Her Majesty's Government — my Noble Friend the President of the Council. It is evident, therefore, that the Government has no intention to discourage this petition, or to put on one side the great and just claims of the subjects of our Indian empire. I must say that I think the arrangement which has been suggested for a Committee of the other House of Parliament has been much undervalued by Honourable Gentlemen who have spoken to-night, more especially, when it is remembered that this Committee is to be presided over by the Noble Lord whom I immediately succeeded in this department, and whose interest in and acquaintance with the affairs of India are familiar to all. It appears to me, that by consenting to the appointment of that Committee, the Government has at once removed all doubt as to its intention with respect to the subjects of this petition.

With respect to the proposal made by my Honourable Friend the chairman of the Board of Directors, that the House of Commons should be called on, on Wednesday next, to affirm or deny, in Committee of the whole House, all the important resolutions which he has submitted, — resolutions altering the duty on so many articles, and actually changing the whole fiscal system of the country, — I can only say, that it would be, in my opinion, to call upon a Committee of the whole House to do that which has never before been done. No such Committee was ever called upon to give, at once, a decided opinion upon a series of resolutions involving such great and important changes. I trust that my Honourable Friends will see that such an attempt would be futile, and that they would not be enabled by such a mode to arrive at a wise and deliberate decision, such as the great and important points in question demand; and that a decision so come to, far from being satisfactory to the country, would be like taking a leap in the dark, the consequences of which, in case of failure, could never be retrieved. Nay, I think my Honourable Friend would be frustrating his own views; for he would find many Honourable Gentlemen friendly to his general object who would be by no means at once prepared to affirm these various resolutions. For myself, I should not like to give any one of them, at present, a decided negative; but I am sure, if they were submitted to a Committee of the whole House, that there would be a great chance of many of them meeting with a negative which they might not deserve. I therefore think the appointment of a Select Committee by far the best mode of dealing with the subject. Some observations have been made with reference to the territory of Mysore; and it is true that we have civil and military possession of that country, and that the Rajah at present is but our pensioner. But still I am compelled to come to the decision I do, — and I have taken good care to have the best legal opinion upon this subject, — in consequence of a fact which is not very generally known, and which Honourable Gentlemen opposite have not taken into their consideration, but which compels me to decide against the claim put forth with regard to that country; namely, that we hold the territory of Mysore only in trust for the Rajah; that we administer its affairs for him; that books are regularly kept, and balance sheets regularly made; and that, whenever the time shall arrive for relinquishing that trust into the hands of the Rajah, every shilling of the revenue received by us will have to be accounted for to him.

[Cries of "Hear, hear!" and, "Oh, oh!"]

My Honourable Friend says that that time will never come. That, however, I cannot say. For the existing state of things I am not responsible; and I simply mention the fact as it stands, and on which I am compelled to decide that Mysore is not a British possession. I do not, therefore, mean to imply, that a Committee of the House of Commons or of the House of Lords would be prepared to say that the produce of Mysore should not be treated as coming from a British possession; but I do say that that is a question which ought to be decided by reference to the state of the territory of Mysore, its juxtaposition, its resources, and many other circumstances which cannot be taken into deliberate consideration in a Committee of the whole House.

There are many other questions, such, for instance, as that of taxation, and others, which could not be considered in Committee of the whole House. The course, then, which I am prepared to propose will, I hope, be satisfactory to my Honourable Friends, and be considered by them as a redemption of any promise I have made them, by showing that the Government is as clearly alive as themselves to the great interests at stake. I am willing that the same course of proceeding should be adopted in this as in the other House, that a Select Committee should be appointed to proceed *pari passu* with the Select Committee appointed elsewhere; and I am willing to leave the selection of that Committee to my Honourable Friend the chairman of the East India Board; and that it shall have the power to inquire into all the allegations contained in this petition, and all the propositions involved in the resolutions. I think that this is but just, and that it ought to meet all the reasonable wishes of Honourable Gentlemen opposite. That is all that can be done by a parliamentary inquiry. Of course the inquiries of this Committee will be confined to the petition and resolutions, and will not embrace many of those extraneous subjects which have been alluded to by my Honourable Friend behind me; such, for instance, as the subject of domestic slavery in India. Still, on behalf of the Government of India, I must say, that it has not neglected those various matters which have been thus alluded to. With respect to the transit duties in the Bengal government, those duties have been abolished as well as in the Bombay government, and with the most beneficial results; and in the Madras government they have been partially abolished, and the Government is preparing to abolish them altogether. With regard to the cultivation of cotton in India, Lord Auckland has paid the utmost attention to that important subject; and, in consequence of the information received from several deputations, and in coincidence with the enlightened views of the Court of Directors, the Government has at this moment, not in operation, but in preparation, an experiment which it is hoped will be of the utmost value to the propagation of cotton in India. Upon this subject we have recently received very valuable information from America; and I have pleasure in informing the House that a most admirable minute has been drawn up by the Governor General of India, which has already been in partial circulation, having been sent to several chambers of commerce in this country, and which I feel to be so important that I shall shortly lay it on the table of the House. The question of a permanent land settlement has been alluded to by the Honourable Member for Wigan; but that subject will not be embraced in the proposed inquiry; though I take this opportunity of stating that the Governor General has not neglected his duty in that important particular. In the north-western provinces, a very important, and, considering the trying circumstances of the dearth of 1837, a very successful experiment, has been made for improving the settlement: the land assessment has been moderated, and the experiment bids fair to produce the best fruits. A great improvement has also been made in the collection and amount of the salt revenue. I might also enlarge on the hopes and expectations formed from the cultivation of the tea plant; and I shall, at some future day, take the opportunity of observing upon what has been done by the Government and the Court of Directors in the improvement of steam navigation in India,—a subject to which Lord Auckland has devoted the most diligent attention, and which opens to the view of India a future of prosperity equal to the anticipations of the most ardent imagination. I mention these circumstances to show that the Government of India has not been negligent of the important duties imposed upon it; and as I hope my Honourable Friend opposite will accept the fair proposition I have made, I do not think it necessary to enter into any debateable subject,—and, indeed, between my Honourable Friends of the Board of Directors and myself there are very few debateable topics; — and I will only add, that I see very many propositions in the petition which the Honourable Baronet has laid before the House the truth of which I desire to see established by Parliament in the most formal manner. With these views, I ask my Honourable Friends to consent to my proposition, as I feel assured that by so doing they will best discharge their duty, not only to those whom they immediately represent, but to that far more numerous body, the one hundred millions of India, whose interests are practically intrusted to their care.

Mr. CHARLES BULLER. — I am anxious, Sir, to follow the Right Honourable Baronet for a few minutes, if it be only for the purpose of impressing on my Honourable Friends the policy of adopting the advice which he has just offered them. The conduct of the Court of Directors, who are the representatives of the Indian population, in thus coming forward for the purpose of applying, on behalf of the millions intrusted to their care, those great principles of free trade which are found of so much benefit wherever they are established, affords one of the most pleasing spectacles — one of the most gratifying scenes — it has ever been my lot to witness. I cannot but think, however, that this motion, in the form in which it is at present proposed, is much too precipitate; as it must be remembered, that before the presentation of the petition on which my Honourable Friend has founded these resolutions, the House has had no notice of what it was that the Court of Directors was about to do or to recommend; whereas that body now comes forward, and calls upon this House to adopt, in a Committee of the whole House, the suggestion for an entire change in the whole system by which the commerce of our Indian empire has been hitherto carried on. Now, Sir, I must confess, that it would be with great difficulty that I could agree to the sudden adoption of these resolutions, however much I may concur in them with reference to the great principles of free trade which they involve, and however much I may be of opinion that we ought not to make any distinction between the principles on which we conduct the commerce of our East Indian and our West Indian possessions. I have heard nothing on the other side of the House (I am now speaking from the Conservative side) that goes against any intention of equalising, on this principle, the sugar duties, or the duties on cotton, or on silk goods; and I must say that it is my opinion that, having, by the system we have adopted towards India, driven the native Indian trade out of the country, and taken calico goods there, we ought no longer to refuse to the natives of British India all the benefits that can be enforced by a free trade, — the only privilege we can give them that will enable them to compete with the trade of British artisans. I have heard nothing, however, favourable to the proposition for an equalisation of the spirit duties; but, at the same time, these questions are all matters of detail; and though the equalisation of the spirit duties may appear to be unobjectionable in theory, yet there may be many objections to it in practice; and it might, perhaps, with some considerable show of justice, be argued that such equalisation would operate seriously against our distilleries, and the manufacture of spirits in this country. I would not, then, be called upon to affirm or negative the resolution relating to this subject in so precipitate a manner; but I would wish to see a Select Committee inquire how far it might be advisable to allow rum to be imported from India into this country. With respect to the resolution regarding Indian tobacco, it should not be forgotten that the taxation with reference to that article is not a restrictive one; as we have been enabled to allow a smaller duty to be laid upon it than upon foreign tobacco in general; and that the effect of East Indian tobacco coming into the market of this country might be to replace Virginia tobacco, by which we should lose a revenue of 3*d*. a pound, — a circumstance that would constitute a most serious objection to this particular proposition. Another of these resolutions relates to Lascars; and I must say, on this head, that while I admit the force of the objection raised by the Right Honourable Gentleman the President of the Board of Trade, I think he has overlooked the fact that it would bear somewhat hardly on British commerce carried on in British ships in British India. With respect to the resolution regarding the designation of British possessions, it seems to me that it involves a question of very great importance; and I do not see how the Right Honourable Baronet the President of the Board of Control can get over this fact, that, though the territories referred to are British possessions, we have chosen to keep another species of authority in them, saying, in our fiscal arrangements, that they are British possessions, and in our diplomacy, that they are not! If, then, Sir, I am called upon to vote in so precipitate a manner in favour of these resolutions, I must of necessity, under these circumstances, vote against them; but if called upon to vote for a Select Committee to inquire into the different subjects to which they refer, I will certainly do so, inasmuch as I think that my Honourable Friends have very plausible objects with reference to British interests on their side — objects sufficiently important to justify them in bringing these questions under the consideration of Parliament.

Mr. WARBURTON. — I entirely concur, Sir, in the recommendation given by my Honourable Friend who has just sat down, to the Court of Directors. I must express my surprise, however, that at this time of day so strange a principle should for a moment be agitated, as that it should be doubted whether there should be any discussion whether this empire should, or should not, carry on the most extensive trade which it could maintain with its most extensive colony. It appears to me that the only question is, whether, having laid out the immense capital we have upon our Indian empire, we, as the mother country, shall, or shall not, receive some adequate return for this great outlay? and I think it is a disgrace to the House of Commons, that, glorifying ourselves as we do on being a great commercial community, we should debate for a moment the question of whether we should discuss, here, so important a principle as that involved in the present resolutions. With respect to the question of whether the Mysore territory be actually a British possession, or not, we are told that we ought not to encourage the growth of coffee there, because it is not so. But we are trustess for the Mysore territory; and being so, we naturally wish, in that capacity, to put it in the best condition we can. Now, Sir, for my part, I do not see why we should be unable to decide whether Mysore be a British possession, any more than if the question were of Madras, or any other part of our Indian colonies. I was reading, the other day, an account of a conversation between the author of a book on the court and camp of Runjeet Sing and that sovereign, in which it was said, that "20,000, or, at the most, 30,000 British troops could march from one end of India to the other, and no power in the country could stop them;" and I think, such being our power, that if we owe a duty to those parts of India which are subject to our rule, and which are, strictly speaking, our own possessions, we are still more bound to look to the interests of, and to do our duty to, those possessions which, though not actually under our rule, are virtually so—inasmuch as they are kept down by us in a state of subjection and impotence. Our Indian commerce may very properly be said to consist of remittances for the payment of the salaries of our numerous public officers in India; and we are bound in duty to give that empire every facility in our power towards the establishment of a free and unfettered trade. With respect to the Lascars, to whom my Honourable Friend has very properly alluded, it was only in an Act of Parliament of so late a date as 1825, that the provision was inserted, which enacts that they shall no longer be considered as British seamen; and we, therefore, shall only be reverting to our former law, if we grant the prayer of the petition of the Court of Directors, so far as this point is concerned. If our wish be, as it naturally is, to encourage navigation with India, we must do this; and by doing it, our trade will be considerably benefited, and British ship-owners will participate in that which will be a general source of advantage to the whole empire. I entertain a strong objection against one of these resolutions, that which relates to the protection of the Assam trade; and I think that to petition, at present, in favour of that protection, is to mix up matter which is objectionable with much that is most commendable and worthy of support. With regard to the duties on spirits, in my opinion it would be wise for the East India directors to make common cause with the West Indies, and to use all their efforts to bring about a general reduction of the duties on British spirits. This, too, be it recollected, is not a question now, for the first time, introduced into this House, but one which has frequently before been made the subject of discussion here, there having been scarcely a Session in which my Honourable Friends the Members for Wigan or Wolverhampton have not contended that it is high time that these differential duties should be abolished. Let it not, I say, be attempted to be maintained that the House has been, in the least degree, taken by surprise upon this point, for I repeat that the question of putting our East and West Indian commerce on the same footing has often been debated in this House. I agree with my Honourable Friend, that subjects such as that relating to domestic slavery, and some others which have been alluded to, should be altogether excluded from an inquiry of this description; and I trust that this Committee will enter upon its investigation as soon as possible after its appointment, and that it will not be any longer than may be absolutely necessary for preparing its Report; in order that we may have, in the course of the present Session, the result of its inquiries laid before the House — a result which I hope may be favourable to the principle of the establishment of free trade for India, and lead, also, before the expiration of the present Session, to the adoption of measures to insure so desirable an object.

SIR R. JENKINS. — After the cordial support, Sir, which this question has met with on all sides of the House, I can have no objection to alter my motion in the manner suggested by the Right Honourable Gentleman opposite, and to move for the appointment of a Select Committee, instead of pressing for a Committee of the whole House. I can but add my hope to the wish expressed by the Honourable Gentleman who has just sat down, that this Committee will speedily commence its inquiries; and I will say no more, at the present moment, than this,—that the chief reason which actuated me in not moving, on the present occasion, for a Select Committee, was, that I was fearful that, by so doing, I should be deferring the consideration of these important matters to a later period than by moving for a Committee of the whole House. With the permission of the House, I will now, therefore, withdraw my motion, and substitute the following in its place: — "That the petition of the East India Company (presented 11th February) be referred to a Select Committee, to examine the matter thereof, and report the same, with their observations thereupon, to the House."

The motion was agreed to.

SIR R. JENKINS. — I beg to give notice that I will nominate the Committee on Thursday next.

BUSINESS OF THE HOUSE.

LORD J. RUSSELL. — Sir, the motion I now rise to make is, to enable the House to proceed with the Bills before it, after the 1st of June next, in such a manner as to obviate the reproach cast upon us, that we send measures up to the other House of Parliament when there are no Members of it in town to consider them sufficiently. Many Bills to which this House has paid a great deal of attention have been postponed from Session to Session, on that ground of excuse; and as Mondays and Fridays will be occupied in supply by the Government, and Tuesdays will be necessarily devoted to the purpose of furthering many Bills before the House; under these circumstances, I therefore move, " That, after the 1st day of June next, Orders of the Day take precedence of notices of motions on Thursdays."

SIR R. PEEL. — I am not at all disposed to throw any difficulty in the way of the Noble Lord, if, on any particular occasion, he show a special cause for the motion he now proposes; but to make such a motion at the present period of the Session, without such cause being shown, is, I think, to begin rather too early. I can easily see what it will end in. If this motion be agreed to now, it will form a precedent to regulate the business of the House in all future Sessions; and thus Honourable Members will be deprived of an opportunity of bringing forward measures which may be necessary, in their estimation, for the good of the country. As I have already said, on special circumstances being shown, nothing whatever shall prevent my acceding to the motion; but, in this instance, they have not been shown; and the Noble Lord, in a speech of two minutes, calls on us to relinquish a portion of our rights, without the slightest valid reason being assigned for so doing. At this early period, — the 25th of February, — I think the House can hardly decide as to what may come before it; and therefore I think it should not be asked to agree to such a proposition. There will, in my opinion, be a great advantage derived to the House, if the Noble Lord postpone his motion to a later period of the Session, when we shall be in a position to form a better judgment on the subject it involves. But, as I have said, to adopt it, now, would be to establish a precedent for future times; and that which is proposed for June this year may be proposed for May next year, and so on for every year after in a decreasing ratio. Under these circumstances, I think the Noble Lord should at least wait a little longer, — say, for example, till the Easter recess, — until he sees what course the business of the House is likely to take, before he brings on this motion.

Mr. HUME. — The corresponding motion of last year took me by surprise; and I hope that the Noble Lord will be satisfied with converting the present motion into a notice of one. If he do so, it will serve all the purposes of Members and of the Government, — giving the former the opportunity of bringing on their motions in due time, and enabling the latter to go on with the business of the country, — in case they wish to go on with it.

[Laughter, and cries of "Hear, hear!"]

LORD J. RUSSELL. — If I proposed this motion at a later period, many Honourable Members might say that they had been excluded from bringing forward their motions; and as it occurred to me that no Honourable Member would bring forward any motion after the 1st of June, I did not consider that it would at all interfere with their rights. The Right Honourable Baronet has said that no special circumstances have been shown, and that I should wait till such had arisen; but the Right Honourable Baronet knows as well as I do that they may arise, and do arise, every day. It is quite a common thing, on going into the business of the country, — as, for instance, on motions for going into Committee of Supply, — for Honourable Members to bring forward motions which last two or three hours, thereby depriving the Government, practically, of the power to proceed with it, by occupying so much of the time of the House. For six weeks past, an hour and a half a day has been the average time which the Government have had for the business of the country. I do not agree with the Right Honourable Gentleman that, if this motion be adopted, it will form a precedent for future years; nor do I think that the encroachments which he suggests will ever take place. I must say, however, that something to remedy the present state of things is much needed; and I think, though I feel a great deal of regret at their throwing out our measures, that those objections of the other House have been in some degree reasonable, which have been taken on the ground of their having had to sit for months without getting any Bills from this. It is for that reason that I have proposed this resolution. But if it be considered better that I should postpone it until before the rising of the House at Easter, I can have no objection to bring it forward then, in preference to pressing it now. I will, therefore, withdraw it for the present.

SIR R. PEEL.—I think this is a question entirely affecting the independence of the House of Commons; and I think we should not, under any circumstances, agree to it on light grounds. A Member might have a motion to make, calling in question the conduct of the Government, yet, by the motion of the Noble Lord, he would have his chance of bringing it forward greatly diminished, while the Government would derive, in the same degree, additional impunity. I can, as I have stated, conceive that special circumstances may make it advisable to allow only one day a week for motions, but those circumstances have not been shown in the present case; and I think that, in any case, the House should be extremely cautious how it adopts such a resolution as that proposed by the Noble Lord. I am, however, glad that the Noble Lord has adopted my suggestion with respect to its postponement; and I would further advise the Noble Lord not to bring such a motion forward at any time when, by possibility, any Honourable Member might have it in his power to say that it would intercept any motion he might have to make. The chief ground of my objection to it, however, is, as I have stated, the fear lest it should be drawn into a precedent, and the House of Commons be thereby deprived of a most important right, on the ground of a temporary convenience.

The motion was then withdrawn.

COMMERCE WITH TURKEY.

Mr. HUME. — I beg to move, Sir, pursuant to notice, for "copies of any correspondence with the Foreign Office, or the British authorities in the Levant, as to the continuance of monopolies agreed to be abolished by the treaty of commerce with the Porte; and of any representations made as to the increased duties levied by the said treaty of commerce in the provinces of the Danube, or in Egypt and Syria." Also, for a "comparative statement or Return of the rate of duties levied in the Turkish empire on articles exported and imported by British and Russian subjects under the new treaty and under the old one." Also, for a "Return of the rate of duties levied on imports from and exports to Great Britain in Turkey Proper and in the Turkish provinces of the Danube, and in Syria and Egypt, previously to and since the late treaty of commerce with the Porte." My reason for making this motion is, that while the British nation, as one of the parties to the treaty, is paying 12 per cent. duty on imported articles in these provinces, the Russians, who are not included in it, are paying only the old tariff of 3 per cent. on the same articles. I hope the Noble Lord will not refuse the papers required.

VISCOUNT PALMERSTON. — I shall not object to the production of the papers in question; but I warn the Honourable Member that there will be some difficulty in furnishing them, especially as to the amount of the duties hitherto levied. The information, however, shall be as complete as it can be possibly made. At the same time, I think it is only fair to state that the treaty made a change in the whole commercial relations of the Turkish empire, and that it has not yet had time to come into operation in all parts of that empire. Doubts have arisen whether its application to the Danubian provinces would be advantageous to Turkish and British commerce; and a correspondence is at present going on, of which that question is the subject. When it is terminated, the House shall know the result; and if that result shall be satisfactory, there will be no difficulty in applying the treaty to those provinces. With regard to the other provinces, Egypt and Syria, I believe it would be for the benefit of British commerce to apply the treaty to them; and though the same vexatious system does not exist there in respect to inland imports as in those of the Danube, still it is desirable to destroy the monopoly which, in Egypt and Syria, takes their place. The treaty has not been in existence sufficiently long to give it a fair trial; but, at the same time, I have no objection to grant the papers moved for by the Honourable Member.

Motion agreed to, and the papers ordered.

REGISTRATION OF VOTERS (IRELAND).

LORD STANLEY. — Sir, although I have no reason to apprehend that any opposition will be made to my submitting to the consideration of this House a plan for removing the great and acknowledged abuses which exist in the system for the registration of voters in Ireland, yet the subject is one of so much importance that I think it will be more respectful to the House, and that it is due to the subject itself, that I should state, very briefly, the principles upon which I intend to proceed, and the main objects which I have had in view, in framing the measure I now move for leave to introduce. In the first place, I will assure the House that my first and principal wish is, that a question of this kind should be discussed without any reference to party feeling, or to the side of the House from which it emanates. It has been my fate to have been so much mixed up with discussions upon matters connected with Ireland, that, if I had followed the dictates of my own judgment, I should rather have wished that this measure should have been brought forward by any other person than myself; and if I have yielded to the opinions and wishes of others, who have pressed me to undertake the task, and who even think that, in so doing, I shall be redeeming a pledge given, or supposed to have been given, by Lord Grey's Government — of which I formed a part — when the Irish Reform Bill was introduced, without any alteration being made in the existing system of registration, I beg the House to believe that I have done so, not with any regard to any party interests or views, either on this side or the other. I cannot but be aware that a measure of this kind, and particularly coming from this side of the House, must be subject to a great deal of scrutiny, and of even, perhaps, unfriendly criticism; and that it must entirely rest its chances of success upon its fairness and usefulness being generally apparent. I do not wish, unnecessarily, to take up the time of the House; but, perhaps, I may be allowed, as succinctly as possible, to describe the difference which exists between the law in England and in Ireland on this subject. In some respects the English Reform Bill and the Irish Reform Bill are differently framed. By the Irish Reform Bill, not a single borough was disfranchised, whilst the English Reform Bill disfranchised no less than thirteen boroughs: the Irish Bill added five Members to the counties, but it took away no Member. With respect to the freehold tenure, the English Reform Bill was a good deal occupied in restricting the forty-shilling freehold tenure; but that subject was not touched by the Irish Reform Bill, as it had been settled, a few years before, by a statute which abolished forty-shilling freeholds. But, as regards the freehold tenure which it allowed, the Irish Reform Bill gave the qualification to those possessing a smaller amount of interest than was named by the English Reform Bill. Then, again, with regard to the polls at elections, it was a great point in the English Bill — and no doubt it has worked well — to have the polls taken in a shorter time than before, and at many places in the counties, instead of at one. There were great doubts prevailing, at the time, as to the expediency of applying that arrangement to Ireland; and many of those doubts may still prevail. Now, I shall say one or two words with respect to registration. Previously to the Reform Bill, there had been no system of registration in England, and therefore it was competent to Parliament, being unfettered by precedents or existing systems, to adopt such a course as it thought most expedient; and it had accordingly framed a system of registration, which, I think, has been very successful. But, with respect to Ireland, the Parliaments of that day had to deal upon a different footing. A law for the registration of freehold tenures has been many years in existence in Ireland, — I believe as far back as the 35th of George III.; and the system has been gradually amended, by subsequent statutes, up to the period of the Reform Bill. Under these circumstances, it was considered by the House advisable to watch the progress and operation of the English Reform Bill in these respects, and not to introduce any wholly new system into Ireland, until it had been seen how it worked in England. But, at the same time, it was announced by Lord Grey's Government that it would watch the operations of these provisions in England, and that, if they were found to work advantageously, it would be the wish of the framers of the measure to practically apply the same provisions to Ireland, as far as possible.

Now, I would beg to submit to the House, as shortly as may be, although somewhat in detail, the points of dissimilarity between the existing systems of registration in England and Ireland; and I will at the same time say to the House, that, in the measure which I now seek to bring in, I propose to confine myself entirely to the subject of registration. I do not propose to deal with the elective franchise, nor with those disputed points of law relating to it, which if I were to attempt to meddle with on the present occasion, I am sure would lead to the delaying, and might, ultimately, prevent the passing, of this Bill. Neither do I intend to offer any provisions with regard to the taking the polls at elections. I shall leave both these questions to be dealt with by the House at any future period it may think proper. To return, then, to the subject of registration. In England, the registration or revision of voters takes place, annually, before barristers selected by the judges of assise, who, previous to making their circuits, fix the places and times at which they shall hold their courts, and call upon all persons within the respective courts to appear, and make out their claims. In the case of counties, it is necessary for persons making a claim for the first time to send in a notice of it, previously, to the overseer of the parish. The overseers in towns, from their general knowledge of the inhabitants, and the clerks of the peace in counties, from the information they receive from the overseers, are then required to publish a list by the 31st of July, which is to be posted on the church door, containing the names of all persons claiming to be registered. This list remains open till the 25th of August. The overseers, in making out these lists, have no discretion, either as to inserting or rejecting any name proposed to them; but are only required to annex to the name against which there may be any objection, the words "objected to;" whereby the person, against whose name those words are affixed, is called upon to come forward and substantiate his claim before the revising barrister. The list of objections made by other parties than overseers then remains public till the 5th of September; and the session of the revising barister's court cannot be held earlier than the 15th of September, nor later than the 15th of October. In Ireland, on the other hand, the registration is not annual, but quarterly; not before barristers appointed by the judges of assize, but the assistant barristers of counties, permanent officers, and who perform that duty in the Sessions' House, and nowhere else, and as part of the ordinary duty of the sessions. The claims are sent in—not, as in England, at least six weeks, and possibly twelve weeks before the revision of the registration, but—only twenty days before the periods for registration, which are four in the year. The clerk of the peace has then to draw out a list, not of each parish or district, but of the whole county or town, and to place it in some conspicuous place ten days before the session. Thus, whilst in England a party has twenty-five days, from the 31st of July to the 25th of August, to examine and object to the claims of his comparatively near neighbours; in Ireland, there are only ten days allowed to wade through the list of the whole county, and see if there be any one to whom he may feel it necessary to object. In England, a voter against whom no objection is made, is not required to appear before the revising barrister; by his not being objected to, his claim is thereby supposed to be admitted, and he remains on the list for twelve months; but, if his name be objected to, he is called upon to defend his title before the revising barrister. In Ireland, on the contrary, the elector who seeks for the first time to be put upon the list of voters is obliged, whether objected to or not, to appear before the Court and produce the deeds of his property, and make oath of his qualification to vote. In England, also, the revising barrister fixes the particular place and time at which particular claims will be taken into consideration. But in Ireland, the claimant has an opportunity of preferring his claim at any quarter sessions, or at any adjourned sessions, without reference to the part of the county in which he resides. I will take the case, then, of a rich person who may have a flaw in his title, or of a poorer person who may have a flaw in his title, but who is supported by a rich man, to whom expense is no object. Such a person could give notice each session twenty days before, and any objecting person in the county may appear at the sessions, perhaps at the distance of fifty or sixty miles from his home, and then the claimant may not appear after all; and this may be repeated time after time, till at last, having tired out the objecting party, the claim, however unjust, must be registered. In England, if a party's name be objected to, he is obliged to come up year after year before the revising barrister, and prove the affirmative of his being qualified. I will not, however, say that this may not lead to great vexation; I think it very probable it might do so, and I think that might well be taken into consideration, with a view to being altered. But in Ireland, the party having once made out his claim, perhaps in the absence of an objector, before the barrister, and verified it by affidavit, receives a certificate, which enables him, during the ensuing eight years, to tender his vote, which must be received without question, examination, or the possibility of rejection by the barrister. But the effect of this certificate does not end here; for I believe it has been ruled, that at the end of that period of eight years, the certificate of registration is still taken as *primâ facie* evidence of the right of the claimant to vote: thus, the freeholder who may have registered in 1832, would have a *primâ facie* evidence of that description in 1840, which would, if held good, establish his claim until 1848, and so on, *toties quoties*, as often as the operation might be renewed. So that these certificates are of the same nature as Exchequer Bills; they are actually transferable securities; and there is nothing whatever to prevent me, if I hold a certificate of this description, from handing it over to another person; or in case of death, there is no check afforded against another party using the certificate, unless that which arises from the holder of the certificate merely making an affidavit that he is the person still in possession. And how, may I ask, can the question be tried in such a case? Only by the operose and expensive proceeding of a Parliamentary Election Committee. There is no other mode of trial; and even an Election Committee may decide that it will not open the question of the registry. But it may be a doubtful case whether the House of Commons has a power, by a resolution of an Election Committee, to alter the registry! The result of all this is, that if a Member, before an Election Committee, were to succeed in striking off a number of false votes which had been given at an election, and if the election were made void, in that case, those votes might be tendered at the next election, without the possibility of the returning officer objecting to it. I understand that the Honourable and Learned Member opposite (Mr. O'Connell) has expressed his regret that I should have brought in this Bill; and I can only say, that of all the Honourable Members in this House I am most surprised at such an observation coming from the Honourable and Learned Member for Dublin, and for reasons which I shall presently have occasion to state. Now there is another great objection to the present system of registration in Ireland, which is, that when a person re-registers, his name is not cancelled in the list of the former registry; so that a person who registered in 1832 might have had five different certificates of registry since, and have his name entered in five separate lists; and, if he pleased, might hand over those certificates to others, without any check upon such a proceeding, but an investigation before a Committee of the House of Commons. In this way, as it requires but six months' possession to give a qualification to register, it is quite possible that in seven years and a half, which have elapsed since the passing of the Reform Bill, a man might have fifteen different certificates, each for a separate half year.

Mr. D. R. PIGOT. — Show such a case.

LORD STANLEY. — How is it possible that I can be prepared, without any notice, with a case which cannot be of common occurrence? I am merely showing what may take place under the existing state of the law in Ireland; and I challenge Honourable Gentlemen opposite to show that such a case may not happen. And of this I have no doubt, that two or three successive occupiers have held certificates of the right to vote out of the same property. Honourable Gentlemen will not deny that the names of men who have been dead some years have not been cancelled from the register! The county registry, particularly, is a growing mass of confusion and absurdity. It is impossible to draw any inference as to the real number of qualified electors from the number of certificates issued. The Honourable and Learned Member for Dublin has moved, this Session, for the number of electors and inhabitants in each county and city of Ireland, with the view of showing the small number of voters compared to the immense amount of population. Now, I will assist the Honourable and Learned Member by the admission, that the number of electors on the register is much larger than that brought to the poll. It is to rescue the law from the increasing confusion caused by the accumulation of names on the registry for eight years, without any possibility of their being expunged, that I propose an alteration in the existing system, the necessity of which has been universally admitted. I stated that I should refrain from irrelevant topics. I will not go into the abuses which have already arisen. I will not discuss the cases which have been brought under the consideration of the Fictitious Votes Committee; I will not impugn the decisions of any of the revising barristers; I will not say that an extensive system of fraud and perjury prevails at the elections in Ireland; but this I will say, that the law, as it stands, holds out an inducement to fraud, as well as renders it difficult of detection, and induces perjury, by allowing the insertion on the registry of persons who are not *bonâ fide* electors, in every county and town in Ireland. These abuses and defects have been over and over again recognised and acknowledged, on both sides, in this House. There is no question as to the fact of their existence; and no difference of political views prevents the acknowledgment of that fact. But the first person who took notice of the discrepancy, and proposed the amendment of it, was the Honourable and Learned Member for Dublin. On the 19th of April, 1835, he gave notice of a motion to consolidate and amend the law of elections and of registry in Ireland, so as to assimilate it to that of England. That notice stood on the books for some time without being followed up; but on the 11th of August in the same year, Messrs. O'Loghlen and Perrin brought in a Bill, which went through

Committee on the 19th, and was sent up to the House of Lords on the 29th of the same month. Of that Bill the Honourable and Learned Member for Dublin said,—

> Such an Act as the present is not only beneficial but absolutely necessary. It provides for an annual revision of voters, and gives an appeal both for and against the claimant. I trust, therefore, that the Bill will be allowed to go into Committee, and that the expense and inconvenience of a scrutiny before Election Committees will be thereby avoided.

When, then, such a measure was acknowledged to be not only "beneficial, but absolutely essential," in 1835, I cannot reconcile it to my mind how the Honourable and Learned Member can look with surprise at the conduct of a Member on this side of the House in taking up the question, with the view to legislate, in 1840. In 1836, a Bill was brought in by my Noble Friend (Lord Morpeth), assisted by Mr. O'Loghlen, who was then Attorney General for Ireland; the Bill was very much of the same nature as the last, but though the second reading was assented to without debate, it was postponed day after day throughout the whole Session. In 1838, the Honourable Member for Limerick announced his intention of bringing forward such a Bill, but it was taken out of his hands by Mr. Woulfe, the then Attorney General for Ireland, who stated that the Government would bring it forward: that Bill, however, was, like its predecessor, allowed to drop. It was not until my Honourable Friend the Member for Bandon had threatened to bring in a Bill on the subject, that the Government introduced the Bill: it was printed, but, after various postponements, it was not proceeded with. Last year, again, the Honourable Member for Limerick brought in a Bill, with a great part of the provisions of which I concur, but I am sorry to say that he relinquished it before the end of the Session; and since that time, I heard no more of it. Now, here are successive acknowledgments of the evil; concurrence in all the main features of the proposed remedy; no objection taken to any of the measures which have been introduced from time to time, and no division in any stage of their progress; and yet up to this hour, with a universal assent as to the amount of the abuse and the nature of the remedy, we are precisely in the same state as when the subject was started five years ago. Now, I must say, I think this course is not very creditable to the House of Commons; and, as far as in me lies, I am bent on introducing a measure, the fairness of which shall command the sanction of both sides of the House; a Bill, to which, so far as I am concerned, there shall be no unnecessary delay or postponement; and a Bill which, I hope, with the consent of both parties in this House, will, before the end of the Session, be the law of the land.

Now, having stated what are the evils of the present system, I shall state what is the nature of the measure which I propose for their removal. In the first place, I shall follow the example of every Bill that has been introduced on this subject, and make the registration not quarterly at the sessions, but annually. I hope the House will excuse me if I touch on one point where it is impossible not to deal with the franchise. According to the English law, twelve months' residence is required previous to the registration; but on registration, the right is immediately conferred. In Ireland, six months' residence is requisite; but the claimant is also required to be registered six months before he is enabled to exercise the elective franchise. Suppose I should say that the English usage should be adopted; that would certainly have the advantage of assimilating the law to that of this country; but no doubt that change would create a restriction on the franchise as at present enjoyed in Ireland—for this reason, that the registration being quarterly, no person can be in possession of the qualification for a longer period than fifteen months before he acquires the right to vote. But in England it is no very uncommon case for a man who has come into occupation in November, or in the latter end of September, to be actually kept a claimant for twenty-two months, though the law declares him eligible after twelve months' residence. I hope Honourable Gentlemen will consider my proposal on this point an indication of the fairness of my views on this subject; for though I intend to assimilate the Irish to the English law in one respect, I am not about to curtail the franchise now possessed by the Irish voter. On the other hand, I am not inclined to admit that a bare six months' occupation should confer the right to vote. I think there is a mode of meeting any difficulty which may exist in this respect; and it is an arrangement by which the Irish voter will be placed in a somewhat better position than he at present occupies. I would make the registration annual, and oblige the claimant to prove a six months' occupation; but if he have resided for any period more than six, and less than twelve months, I propose that the revising barrister should affix to his name the period at which his right would accrue, by the expiration of twelve months. The question here arises, before whom should these points be raised? In England, a barrister, appointed by the judge of assize, decides them. That course has been objected to, and I think not without reason, as regards Ireland. Again, it is suggested that a barrister should be nominated for the purpose by the Government. I think that would be placing patronage in the hands of the Government, which would hold out a great temptation to exercise it for political purposes, and give the discharge of important duties to inferior barristers, not permanently attached to the registration, but nominated year after year. There are, at this moment, assistant barristers in every county in Ireland; and I have heard no reason assigned why they should not be invested with the power of deciding these questions at one session, instead of at the quarterly sittings over which they now preside. Whether these barristers are selected from one party or the other, I think the best security for their acting impartially is, the responsibility which they must feel in deciding in the face of their courts and of the public; but I do not propose that they should circulate by a certain rotation throughout the counties: that practice must give rise to a multitude of decisions, and to frivolous claims and appeals. I think it better that the same barrister should permanently preside over the same court. That will secure, in the first place, unanimity of decisions; and, in the next, the fair and impartial exercise of the jurisdiction; and, again, if there should be many appeals from the decision of any barrister, and those decisions were often reversed, the fact could not fail to be noticed by the public; and that would, I think, give an additional security. All who have directed their attention to this subject admit the necessity of an appeal. I do not, however, propose to give an appeal to a tribunal of co-ordinate authority, composed of barristers, but to the judge of assize. I would allow the appeal, too, for and against the vote, on the ground that, as the exercise of their jurisdiction in the former case is at present not found fault with, I see no reason to apprehend any danger from investing the judges with authority in both cases. I propose to follow the provisions of the English Bill, as to the assertion of the claim, with this difference, that the clerk of the peace in Ireland shall perform those duties which are assigned to the overseer in England. I intend that the clerk of the peace shall prepare parochial lists of claimants, and also take a list of objections; and the same mode of publicity can be observed which is now observed, in England. I also propose that, with respect to the appointing of places at which the different sessions shall be held, there shall be an analogous principle to that of the English Bill observed; and that the barrister shall appoint those places for holding the sessions; but that, as a check upon his naming only those towns in which quarter sessions shall be held, it shall be in the power of the Lord Lieutenant in council, on the memorial of the magistrates, to fix upon the places where the registry shall be taken. This, to be sure, is a minor detail; but as the spirit of the Bill depends, in a great measure, upon its details, I feel warranted in trespassing upon the time of the House for the purpose of making its provisions clearly understood. On the first registration, every one was bound to come forward in person and substantiate his claim. There was one exception in favour of persons registering as 50*l.* freeholders. They were entitled to register before the judges in Dublin, or the judges of assize, on a mere affidavit, without any possibility of objection being raised. I do not say that this privilege has been abused; but it may be; and there is nothing, except the affidavit, to prevent a man, without a shilling, going before the court, swearing he is a freeholder, receiving a certificate, and tendering it at the next election. I do not propose to take away this privilege,—not, perhaps, unfitly bestowed,—but I propose that the affidavit shall be registered with the clerk of the peace, that the notice of having taken the affidavit shall be published in the list of claimants, and that he shall be as much open to objection as the most humble freeholder, leaseholder, or householder.

Now, of course, after what I have said, I intend that certificates shall be absolute abolished. I am convinced they can le to nothing but fraud, and that they ho out strong temptations to perjury. I pro pose that the assistant barrister sha have the power of awarding moder costs, either in the case of frivolo claims, or frivolous objections; but, on a appeal to the judge of assize, I do n mean to fetter his discretion as to th amount of the costs. But in what matt are we to deal with persons who hav once established their claim? Shall w say, as in England, that a person objecti ing, year after year, shall have the pow of calling upon the voter to substantia his claim? If personal attendance by t voter to answer such an objection be con sidered a hardship in England, how much more sorely must it be felt in Ireland, where the original examination is far more strict. I propose, then, that, in all cases in which an objection shall be raised to a vote on the registry, the *onus* of proof shall be on the party impugning the vote; that the presumption shall be in favour of the claimant; and that the objector shall substantiate his own case, negativing the right to vote, under the penalty of costs on his failing to show any reasonable grounds for his opposition. Now, in order to render this practicable, it will be necessary to record the date of the registration; the property out of which a person is registered; the nature of the lease; the period at which the lease will expire, if it be a lease for years,—and, if it be a lease for lives, the name or names of the lives: and I am sure the House will see the necessity of such a provision when the *onus* of proof rests on the objector. Otherwise, if a leasehold tenant of mine, for instance, were to register, without recording the names of the lives, those lives might fall out; the man might continue a tenant at will, and still retain his qualification, because no opportunity would be afforded to the objector to prove that the qualification had ceased. I propose, in all cases, whether of claim or objection, to give an appeal to the judge of assize, subjected, as I said before, to unlimited costs in frivolous or vexatious cases.

Now, Sir, a question has been raised, whether there shall be any limit as to the nature of the objections, and whether the proof shall be confined entirely to new matter? I have very much considered that question, and I have come to the conclusion that, looking at the restrictions of throwing the *onus* of proof on the objector, and of giving the assistant barrister a limited, and the judge of assize an unlimited, power of imposing costs,—if I were to restrict the objection to matters arising since the last registration, I should only be perpetuating fraud where fraud has been before committed. Because, supposing it to be true that the first registration was obtained by fraud, the present system is bad enough, for the certificate has the effect of continuing it for eight years; but I am going to make it good for the life of a party, unless it shall be proved bad; and if you debar an objector from proving that a party came fraudulently on the register in the first instance, and it be admitted before the public that there is no power to strike him off, a parliamentary sanction would be given to a wrong for which there is no remedy. I find it impossible, therefore, to accede to the proposition for limitation; and, indeed, Mr. Serjeant O'Loghlen, who introduced that provision into his Bill, expressed himself doubtful as to the propriety of it, and thought it a fit subject for the grave consideration of the House. But looking to the checks which exist in Ireland,—considering that the first examination is more strict than in England, and that there is a right of appeal to the judge of assize,— I am prepared to propose to the House that which I consider a great step, namely, to make the annual registration in Ireland good against any inquiry by the House of Commons, and final for that year. I do not, however, propose to prevent the House of Commons from inquiring into any cases subsequent to the last registration. Not only will that be a great concession in favour of the franchise in Ireland, but it will prevent a great deal of angry feeling, a great deal of vexatious annoyance, a great deal of unnecessary expense, and a great deal of—to say the least—not very creditable litigation before this House. I believe that I have now stated the main provisions of the measure which I propose to introduce. There is only one other point to which I need refer, and that is the mode of dealing with the existing registry. I assume, no doubt, that the present registry is full of fictitious votes. There is no question that a vast number of names are on the registry which have no existence at all; and that many persons were placed there, in the first instance, who had no title to be registered. It has been asked by several Honourable Gentlemen, "Why do not you sweep off, altogether, the existing registry, and require new notices to be given, and all parties to be registered afresh, according to the new system?" Now, I cannot help thinking that that would impose very considerable hardship on those who have substantiated their right to be placed on the register. The man who, three years ago, came forward and subjected himself to a strict examination, would have good reason to complain, if he were called upon again to undergo examination, without reference to his previous examination; therefore, I do not propose to sweep away the whole existing registry. But it has been said, that we may allow it to continue for the period for which parties hold their certificates; and, certainly, that proposition has in it some justice to individuals; but there is this great objection to it, that it would continue, for a long period, the gross errors which abound in the existing registry. The course which I propose to pursue, and in the propriety of which I hope to have the concurrence of the House, is — to place the registry, as it stands at present, precisely on the same footing as a registry framed under the proposed Bill would stand at this time next year; that is to say, I would consider the present register as valid, as that of 1840, but liable, in 1840, to objection in all its parts, precisely as if the party had substantiated his claim under the new Bill. I believe I have now stated the principal provisions; nay, even almost all the details, of the Bill which I propose to introduce; and I trust I have done so without any manifestation of party feeling. I hope that Honourable Members will consider that I have no personal interest to serve, and that my only object is, to remedy the abuses which exist, by a fair and impartial measure. I am quite ready to listen, now, or at any future time, to the arguments and suggestions of Honourable Gentlemen on both sides of the House; and if I should be permitted to go into the details of the measure, I can assure Honourable Gentlemen, so far as they go along with me in the legitimate object of my measure, — that of providing an impartial and satisfactory remedy for the evils of the present system of registration in Ireland, — that their arguments and criticisms shall receive from me an equal degree of impartial attention, and an equal amount of respectful consideration. I now beg to move for leave to bring in a Bill to amend the laws relating to the registration of voters in Ireland.

LORD VISCOUNT MORPETH. — I do not rise for the purpose of offering any opposition to the motion which my Noble Friend has submitted to the House, for there was nothing in the tone and temper of the speech which my Noble Friend has just delivered to which I, or any other Honourable Member on this side of the House, can justly take exception. I quite admit the fault, on the part of Her Majesty's Government, of not carrying legislation upon this subject into effect. My Noble Friend has accurately given the history of the several steps which have been taken on this subject, beginning with 1835, when the present Master of the Rolls in Ireland, then holding the office of Attorney General, introduced his Bill for amending the system of registration in Ireland. That Bill was sent up to the House of Lords, where, after a very brief consideration, it was rejected. Another Bill, the provisions of which were very similar, was introduced by the same Right Honourable Gentleman in the subsequent Session of 1836. It is quite true that that Bill did not pass through many stages in this House; but at that time we had no reason to believe that it would meet with a different fate from that of its predecessor. If we had persisted in forcing that Bill through the House, or in introducing another Bill in a subsequent Session, we should have exposed ourselves to the accusation sometimes directed against us by Honourable Gentlemen opposite, that we were bringing forward measures for the mere purpose of their being rejected by the House of Lords; that we were making a mere mockery of legislation; and that we were adopting the course, imputed to us in a recent debate, of undertaking measures without the hope of carrying them through. In 1838, as my Noble Friend has accurately remarked, the present Lord Chief Baron of Ireland, then filling the situation of Attorney General, introduced a Bill with somewhat different provisions. It is likewise true that that Bill was not carried through this House; but enough transpired, after its introduction, to show—that there was no chance of its receiving the support of both sides of the House, or of the House being able to pass a Bill likely to conciliate the favour of the other branch of the Legislature: and if we had brought in that Bill in a subsequent Session, we should, again, have been liable to the imputation of introducing measures without the hope of carrying them. That feeling, however, does not apper to me to have been confined to this side of the House, alone. The Honourable and Learned Serjeant, the Member for Bandon, in the same Session, obtained leave to introduce a Bill for the same purpose; but he did not attempt to carry that Bill through; for the last stage, I believe, was the motion for the recommittal of the Bill, with a view to its being printed, in order that it might be made more perfect in its details. The Honourable and Learned Gentleman gave notice, in 1839, of his intention to introduce another Bill on the same subject; and we, of course, expected that it would be proceeded with, after what had taken place in the preceding Session; but that Bill never made its appearance at all. It is obvious, therefore, that, however alive the Honourable and Learned Gentleman may have been to the abuses of the present system, he considered it no easy matter to pass a measure calculated to remove them: and precisely the same fact has been made manifest in this country; for in every Session of Parliament since the accession of the present Ministry to office, Bills have been brought forward to amend the system of registration. True it is, with respect to those Bills, that though they involved changes far less considerable than those contemplated by the present measure, in no one instance were the two Houses of Parliament brought to anything like an agreement on the subject. Considering what appeared to be the difficulty — I may term it the hopelessness — of bringing forward a measure which should secure the joint assent of the two great parties in this country, or of the two Houses of Parliament, — considering that plans for the amendment of the system of registration, both in England and Scotland, are still under deliberation, and that it might be possible — and, if it were so, it would be in the highest degree desirable — to bring forward a joint system for the three countries, under some uniform and united plan, — considering also, with respect to Ireland, alone, we should be able to come to a conclusion with greater facility, after the practical bearing of the valuation under the Poor Law Act should be ascertained; — considering all these things, we felt that it would be more judicious to suspend the introduction of any measure upon the subject, with a view to the soundness, success, and permanence of the measure itself. But the Noble Lord, willing for once to merge the character of "obstructor" into that of "constrûctor," steps forward on this occasion, and tenders his aid to solve the difficulties which exist, offering himself as a sort of mediator. I can assure the Noble Lord that his interposition shall be met with the most perfect respect; but whether it will be received with full confidence is another question. Of the Noble Lord's great talents; of his power to solve the difficulties of the present or of any other question, no possible doubt can be entertained. Whether the Noble Lord be perfectly unbiassed, — whether he may not feel that he has some scores to pay off with the present constituent body of Ireland, — is a matter which will, probably, be best understood when we have had the opportunity not only of deliberately weighing the provisions of the Bill which he has fully and candidly developed to the House, but also when we can ascertain the manner in which he proposes to work out the details, which cannot be done until the printed Bill is before the House. Until that time, I should have been content to defer my observations (reserving, of course, the right to form my own judgment upon the tendency, scope, and principle of the measure), had it not been for one consideration, to which I wish for a moment to advert.

It may be in the remembrance of the House, that in the course of last Session a motion was brought forward by my Honourable and Learned Friend the Member for Dublin for leave to bring in a Bill for the purpose of altering the franchise of Ireland, and assimilating it to that of England. Besides the general abstract principle of assimilating and identifying the rights and privileges of the people of the two countries, to which, as an abstract question, the present Government have always professed themselves friendly, the Honourable and Learned Gentleman brought forward many forcible statements, and cited many striking instances, of the disproportion between the number of voters in the two countries — a disproportion which the Noble Lord has admitted to exist to a greater extent than can be accounted for by the difference in the relative wealth of the two countries. The motion for leave to bring in that Bill I met with a direct negative. I hope I did so without discourtesy — indeed, I know that it has been made a subject of complaint against me, that my mode of conducting the opposition was too courteous; but I could not deny the force of some of the statements of the Honourable and Learned Gentleman, nor could I contravene the logic of his arithmetical proportions, as he stated them to the House. I observed, on that occasion, that after we had effected a great adjustment of the electoral law of the three countries, — after that question had caused great agitation and excitement throughout the empire, and had been fully considered in Parliament, — we felt it would be inexpedient, in so short a time, to break in upon that settlement, or to introduce any more fundamental changes. The Government are still prepared to adopt the same course, and to act in the same spirit. But I wish it to be distinctly understood, that if, notwithstanding the urgent remonstrances addressed to us by the great bulk of the people of Ireland who honour us with a generous confidence, — (and if the confidence of the people of Ireland is to be reckoned a disparagement to us, may we never exchange our destiny with the party on the opposite side!) — if, notwithstanding the representations which are made to us by the great proportion of the Irish Members who give us their support in this House; — if, notwithstanding the force which rested in the arguments and the arithmetical and statistical statements of the

Honourable and Learned Member for Dublin; — if, notwithstanding all this, we do refuse our assent to such an assimilation and extension of the franchise as they require at our hands, because we think it inexpedient to alter the present law of the existing arrangements in any of the countries affected by the Reform Bill; so, on the other hand, we are not prepared to alter the present system, if we think the scope and tendency of that alteration will be to limit, control, impede, or obstruct,— to use the favourite word of the Noble Lord,— beyond due bounds, and proper and just limits, — that confined franchise which the Irish people have received at the hands of the Noble Lord. There are some topics in the speech of the Noble Lord which may invite discussion; but upon them I will reserve my observations until the measure comes under consideration, when we shall have to make up our minds as to the course that it will be most desirable to pursue. I have thought it candid, both to my Noble Friend and the House, to state, while I do not withhold my consent to the motion for leave to bring in the Bill, that whatever may be the ingenuity with which that Bill may be framed, — whatever may be the plausible ground upon which it rests, or whatever may be the collateral advantages which it offers, if I consider its tendency and scope calculated to narrow and obstruct the legitimate franchise of the Irish people, and their electoral rights, I shall consider myself warranted in offering my most decided opposition to the further progress of the measure. I have now only to add, with respect to the motion before the House, that I do not purpose to offer any obstruction to the Noble Lord in bringing in his Bill, and submitting it, in its finished state, to the House.

Mr. SERJEANT JACKSON. — I am exceedingly happy to find that the Noble Lord the Secretary for Ireland does not intend to offer any opposition to the motion of the Noble Lord who has asked permission of the House to bring in his Bill; and I am also happy to find that the Noble Lord has pledged himself and those acting with him, to give this Bill a fair and candid consideration. That is all that my Noble Friend asks the House to give. I have risen on this occasion, because the Noble Lord who has just resumed his seat has done me the honour to refer to my conduct on this subject, — the importance of which has been admitted by Honourable Members on both sides of the House. The Honourable and Learned Member for Dublin was the first to complain of the state of the law affecting the registration; and he gave notice that he would move for leave to bring in a Bill to amend it. The Honourable and Learned Gentleman, however, for reasons on which I will not speculate, never brought forward any motion in pursuance of that notice; and the subject dropped for a time. In 1835, however, Mr. Justice Perrin, then Attorney General for Ireland, brought in a Bill for the purpose of amending the system of registration, which went through the House between the 20th and the 29th of August in that year. Having stated that circumstance, I must say that the Noble Lord the Secretary for Ireland has not dealt fairly and candidly with the other House of Parliament, for having thrown out that Bill. It did not go to the House of Lords till the 29th of August; and it was impossible for that House to consider its provisions during the short remainder of the Session. It has been too much the practice, in every year, to send up to the House of Lords a great quantity of Bills at the end of a Session, having till then given them scarcely anything to do. I therefore think the other House ought not to be blamed for not applying themselves to the consideration of Bills sent up under such circumstances; and I cannot consider that any disrespect was meant to this House by postponing such Bills to another Session. In 1836, a similar Bill was introduced in the House of Commons; but after it had passed through some stages, the Right Honourable Gentleman who brought it forward himself moved that it should be taken into consideration that day three months. In 1837, no attempt whatever was made by Her Majesty's Government to redress the grievance which they acknowledged to exist. In 1838, when my Right Honourable Friend, the present Chief Baron in Ireland, was Attorney General, I inquired whether it was his intention to bring forward any measure on the subject; and my Right Honourable Friend said that such was his intention. A great part of the Session, however, passed over without any motion being made on the subject by my Right Honourable Friend; and under these circumstances, I gave notice of my intention to move for leave to bring in a Bill. My Right Honourable Friend then obtained leave to bring in his Bill. A considerable time elapsed without the House hearing anything more on the subject; and I then obtained permission to bring in a Bill, which I introduced. My sole object was to produce a measure which would be satisfactory to both sides of the House, and which would place the constituency of Ireland on a sound footing; — and that I believe to be the intention of the Noble Lord on the present occasion. The Bill which I brought in was founded, to a great extent, on those which had previously been before the House; and I was anxious to make it as perfect as possible. That Bill was printed; and during the long vacation which followed the Session of 1838, I took all the pains I could to get it circulated in Ireland. In 1839, I again asked leave to bring in the Bill, which not only related to the registration of voters, but altered the mode of taking the polls in Ireland. My reason for not proceeding with it was, not because the subject was one which I did not feel to be important, but because the machinery which I had intended to adopt, which was provided by the Poor Law Act, was not then complete. I am glad to find that my Noble Friend has now taken up the subject; because there is no man more competent to deal with it. The Noble Lord was the Minister who brought in the Irish Reform Bill, professing, at the time, that so far as the registration was concerned, it was merely an experiment, which was to be continued only until the working of the new registration system in England, under the Reform Bill, could be ascertained. Before I sit down, I cannot but express my regret that the Noble Lord the Secretary for Ireland departed from the spirit in which he opened his address, by making use of some rather taunting expressions; and I certainly was surprised at his concluding sarcastic observations on the remarks made by the Noble Lord near me (Lord Stanley), in the course of the debate a few nights ago, more particularly after he had been once before set right on this point. My Noble Friend did not state that he would make it "his business to obstruct the measures" of the Government. What my Noble Friend said was, that Honourable Gentlemen on this side of the House would suggest good measures, and "obstruct" such as they apprehended would be detrimental to the interests of the country. The Noble Lord, perhaps, did not distinctly hear my Noble Friend, — the debate was an anxious one; and I have no doubt that the Noble Lord felt considerable solicitude about the event of it; but it is not fair to go back to that debate for the purpose of bringing an unfounded charge against my Noble Friend. Having stated the humble part which I have taken in this matter on former occasions, I will not longer detain the House, except to say, that I am quite satisfied that my Noble Friend is actuated by the purest motives, and that the Bill which he now seeks to introduce will bear the closest investigation.

Mr. O'CONNELL. — I certainly did not intend to give any offence to the Noble Lord when I expressed my regret that he should have brought this measure forward; but I must be allowed to say, that the general feeling of the people of Ireland is, that the Noble Lord is the last person in the world who, from his principles and conduct towards Ireland, ought to have meddled in this matter. The principle of the Noble Lord's political conduct has been to limit and restrict, as much as possible, the franchise of the people of Ireland. The Noble Lord brought in the Irish Reform Bill on that principle. I contended with him on the subject out of the House, and before the Cabinet, foot to foot; but when the Noble Lord could not overcome my reasoning, he succeeded in outvoting me. The Noble Lord had an influence in the Cabinet exceedingly deleterious to Ireland; and he succeeded in giving to that country a franchise which is admitted to be inferior in extent to that bestowed on England.

[Cries of "No, no!"]

If that be not admitted, it cannot be successfully controverted. Let the House look at the result. Even with the exaggerated register of 1832, when there was scarcely any contest against the registration, Ireland had not the franchise for 5 per cent. of her population, while England had it for 19 per cent.; and in the agricultural districts in Ireland not 2 per cent. of the population possess the franchise. And shall we be told that England and Ireland are equal in this respect? The people of Ireland know that the fact is not so; and they attribute that defect to the Noble Lord; and even if he should be disposed to bring forward a good measure, it would lose its grace and power to the people of Ireland by being transmitted through the Noble Lord. I am not surprised that he should have been urged to undertake the task by Honourable Gentlemen opposite; because, unrivalled as are his talents in debate, and unequivocal as his zeal is for the restriction of the franchise, he must have been quite a Godsend to those who wish to limit the franchise as much as possible. The instant his ingenious and artful speech, full of admissions and concessions that cannot serve the people, arrives in Ireland, they will at once perceive that no good can come from a measure which has the Noble

Lord for its proposer; and they will be convinced that it proceeds from the party that began the reformed Parliament by giving them the Coercion Bill. I am not now going to enter into the details of the Bill; but its principle is vexation, expense, and trouble. Is the Noble Lord aware that the Conservative party in Ireland — I will not call them "Orange," now — are in the habit of employing both counsel and attorneys to oppose the registration of Liberal voters at every registry? They have regular paid swearers, to beat down the franchise; there is a staff of them in every county; and the landlords are constantly attempting to prevent their tenants from registering. These facts are well known; and I implore every man who is disposed to act in a conciliatory manner towards Ireland, seriously to consider such a state of things. Every opposition is given to the voters in the Liberal interest; and persons acting in the capacity of magistrates condescend to receive the wages of their testimony in this respect. They sit on the bench with the assistant barrister, whispering to him one moment, and swearing, at the next; and if the decision should be against the unfortunate peasant, he is very apt to conclude that it is not on the merits. Every attempt is made to keep documents from the claimant, who has no process by which he can enforce the attendance of witnesses. If his lease should happen to be at all eligible, the landlord or agent refuses to produce it for him. Every impediment is thrown in the way of the poor voter; he is examined on oath; cross-examined hour after hour; and speeches are made to overthrow what he has sworn on oath, and to force him to contradict himself. If the landlord be a Conservative, all this is a matter of course; if the landlord be a Liberal, in nine instances out of ten, or at least in the greater number of cases, the agent is a Conservative. In my own county, Lord Monteagle's agent is as ready to oppose the registration of his Lordship's tenantry as the most decided Conservative can be; and Lord Listowell's agent acts in the same manner. In fact, it is almost the general rule. The claimant has first to go through this ordeal at the sessions; and then, if the assistant barrister decides in his favour, an appeal to the assizes is open to the objector; where the unfortunate voter has to encounter all this formidable array of opposition a second time. But is that all? The Conservative landlord endeavours to intimidate him from coming up to the registry in the first instance, and to prevent him from availing himself of the second opportunity to press his claim at the assizes. The agent also intimidates him on both occasions; and, at the risk almost of ruin, the tenant is obliged to stand the two ordeals, which are forced upon him in order to accumulate and double the evils of intimidation.

The Noble Lord has talked with great seeming regret of the trouble to which the voter is subjected by having to travel thirty or forty miles to the sessions. Why, the voter will have first to go to the sessions, and then he will have to go fifty or sixty miles to the assizes, where he will have to wait, Heaven knows how long, while all the engines of intimidation are in motion against him; and year after year he will have to face the same difficulties. If the Noble Lord had asked leave to bring in a stifling or gagging Bill, for preventing the voter from obtaining the franchise, except by consent of his landlord, his measure would have been an excellent one, because it would have exactly answered its title. I sincerely trust that this Bill, if persevered in, will not succeed; and I know no means of stopping its progress to which I shall not think myself justified in resorting. I thank the Noble Lord opposite for the word "obstruct;" the Noble Lord has taught us that policy; although the Learned Serjeant has declared that he is no obstructor, I contend that this is a measure which every friend to the rights of the people of Ireland ought to join in obstructing. The Noble Lord may say that he benefits the voter by not calling on the registered elector, in the second year, to prove his case. But does not the Noble Lord know that he will be compelled to prove it? One of the hired swearers will come forward and say, "I have examined the voter's land since last year, and I now swear that it is worth 5*l*. less than I swore to last year." And if one of the swearers have any scruple in contradicting himself, there will be no difficulty in getting another swearer for the same price as the first. Am I upholding the present system of registration in Ireland? No such thing. I know that it has great evils; but the people have worked themselves out a certain degree of freedom under it; and, while I desire to alter it, in order that its operation may be made more unembarrassed, I would still adhere to it in preference to the Noble Lord's Bill, especially as that Bill has not a proper basis. Every other Bill that has been introduced on the subject of the elective franchise in Ireland has been favourable to the free exercise of the franchise by all who are rightfully entitled to it, and has explained the original Act in a manner consonant with that view. Even the Learned Serjeant's Bill contained a clause, which, if it had passed, would have been a really useful and beneficial enactment, and would have worked well. But the Noble Lord stands alone; he rejects everything that would favour the franchise, and introduces nothing but what will have a tendency to annihilate it. Why has not the Noble Lord introduced a Bill for the improvement of the English registration? Will Honourable Members say that the English system is at all perfect, or that it gives satisfaction to the people? I cannot but express my regret that the Noble Lord has not applied his great talents to the preparation of a Bill for the amendment of the registration law in England, instead of venturing a new secretaryship for Ireland, and crossing the Channel in order to destroy the franchise which at present exists. I wish the Noble Lord's friends had persuaded him to try his maiden hand on England or on Scotland, where, no doubt, he would have found ample employment.

[Cries of "No, no!"]

I am not surprised at the readiness with which that suggestion is disclaimed. A really good Bill would assimilate the registration in the three countries. In Ireland, you should begin with placing the people on an equality with those in England, by giving them the same franchise; and this is what I urged in vain during the discussions on the Reform Bill. According to the Treaty of Union, the people of Ireland are entitled to an equality in the franchise; but the Noble Lord himself admits that the Irish franchise is not equivalent to that in England. The Noble Lord seems to treat the affidavits of the people of Ireland very lightly.

LORD STANLEY. — At least, I did not talk of "paid swearers."

Mr. O'CONNELL. — No; but the Noble Lord talked of "volunteer perjurers." The Noble Lord certainly did not use the word; but he used the thing. I will not accuse the Noble Lord of any more hostile purpose than that of restricting the franchise. All that the Noble Lord did not deprive the Irish people of, at the time of the Reform Bill, he will succeed in depriving them of by this Bill. The Noble Lord has complained of the Irish law being defective in this respect, that the Committees of the House have not the power to strike off Irish voters from the register. I always considered that circumstance to be a mitigation of those Committees, which now stand condemned by the universal sentence of the House. When I, on a former occasion, talked of perjury in connection with those Committees, I was reprimanded for it; but, without going so far as to accuse them of perjury, the Right Honourable Gentleman opposite has shown how little those Committees are entitled to the confidence of the public; he having annihilated them, and replaced them by other tribunals; though I very much fear that the new Committees will not be more satisfactory, from the specimens we have already had of the spirit of compromise prevailing in them, which is entirely opposed to anything like generous confidence on either side. I will not divide the House at this stage of the Bill, as the Noble Lord below me has conceded the first reading, and there is no distinct reason why we should refuse it; but in every other stage it shall have the most decided opposition that I can possibly give it. No friend to popular rights ought to rest satisfied until some attempt be made to place the franchise on a proper footing, by introducing a Bill containing, at least, a definition of what constitutes the franchise, so as to put an end to the vexatious questions now continually arising. There is one provision in the Bill to which I have a very strong objection, and that is the appeal to the judges. I believe the Noble Lord himself does not imagine that there are many judges in Ireland in whose hands the people will be inclined to place the ultimate disposal of the franchise. I am sure that that part of the Bill will meet the universal reprobation of the people of Ireland. On the whole, it appears to me that the proposed Bill is not likely to secure, as it pretends to do, a fair investigation of the claimant's right to vote; but that it is calculated to introduce such vexatious details as will be inconsistent with the situation of the tenantry in Ireland; that it will be ruinous to them in point of expense and time, inasmuch as it will bring them twice, every year, under the lash of their landlord, and will expose them to such merciless intimidation as to annihilate the elective franchise. Certainly the situation of the Irish people ought to have excited commiseration, rather than resentment, in the breast of the Noble Lord; for he left them so little of the franchise in his Reform Bill, that it is hardly worth while, now, to endeavour to extinguish the remainder.

LORD STANLEY. — Sir, although I

have been somewhat disappointed at the manner in which the Bill has been received by the Honourable and Learned Member for the city of Dublin, and in some respects by my Noble Friend the Secretary for Ireland, yet the observations of the Honourable and Learned Member shall not make me depart for a moment from that deliberate line of argument and calm discussion to which I determined to confine myself in bringing forward this Bill; and in which I intend to persevere. I was, indeed, apprehensive that there might be objections arising from the political part which I have taken in opposition to the other side of the House, on Irish questions; and I am sorry to say that I was confirmed in that anticipation by finding that an association, designating themselves as the Loyal Registry Association of Dublin, had — of course without any concert between the parties — shown exactly the same spirit, and announced the same hostility, even before I moved for leave to bring in the Bill, as the Honourable and Learned Member for Dublin has now done, having agreed that instructions should be sent to all the "Liberal" Members for Ireland to oppose the measure,— whatever its provisions might be.

[Cries of "Hear, hear!"]

For an assembly, calling itself a deliberative body, and assuming, under the guidance of the Honourable and Learned Member opposite, to direct the judgment of the people of Ireland, I must say that a more absurd resolution, or one which more clearly shows its supporters to be utterly unworthy of the confidence of any one class of the community, never yet was passed; and I trust that the Liberal Members of the House will show that they have, at least, more "liberality" of feeling than to be guided by such blind leaders, and will not take the instructions given to them by such unreflecting politicians, but will fairly consider the merits of the question. I do not intend to notice the imputations which the Honourable Member for Dublin has cast upon me, in attributing to me motives by which I am not actuated; but there was one part of the Honourable Member's statement which it is impossible for me to pass over in silence. The Honourable and Learned Member has repeated, over and over again, that by the Reform Bill there was given to Ireland a franchise infinitely more cramped and restricted than that which was given to England; and that I was the author of the plan! Now, I meet the Honourable and Learned Member with a flat, direct denial of the fact; and with an assertion, which I will prove, that the franchise in Ireland, as settled by the Irish Reform Bill, is more extensive, and not less extensive, than the corresponding franchise given to England. I do not refer to the case of the 40*s*. freeholders; I have already stated that that question was settled some few years before, and was not at all disturbed by the Reform Act. The English Reform Bill restricted the 40*s*. freehold franchise, but did not abolish it; the Irish Bill did not interfere in any way whatever with freehold occupation, but left it as it had been previously established in Ireland. The Irish and English Bills both added a leasehold constituency to the freehold constituency, which had formerly prevailed. What, then, is the tenure of leasehold property required to entitle to a vote? There are three several classes of leasehold voters. In England, the franchise is given to the lessee or assign entitled to any lands or tenements for the term originally of sixty years, of the clear yearly value of not less than 10*l*. over and above all charges. The corresponding provision with regard to Ireland is the lessee or assign of any term originally not less than sixty years, having a beneficial interest therein of the clear yearly value of 10*l*. arising out of it. The words originally introduced were the same as in the English Bill, but they were altered — with the consent of the Honourable and Learned Gentleman himself! The second description of voters, under leasehold tenure in England, must hold property for a term of not less than twenty years, of the clear yearly value of 50*l*. over and above all rent charges. In Ireland, the second class is composed of those who hold property for not less than fourteen years, having a beneficial interest of 20*l*. There is no lower term of years in England, excepting tenants-at-will, the voters under which must pay a rent of 50*l*. But there is another leasehold qualification in Ireland, to which there is no parallel in England. The franchise is given to a class of Irish tenants holding property for a term of twenty years, with a beneficial interest of not less than 10*l*. to the person entitled to occupy. That is the plain, simple comparison of the franchises given by the Reform Bill to England and Ireland; and I defy the Honourable and Learned Member to prove that the Irish franchise, on what I have stated to be its present conditions, is more restricted than the English.

The Honourable and Learned Member has urged that the Irish constituency is smaller, in proportion to the population, than that of England; but that is no argument whatever in regard to the amount of the franchise. I say that the Irish Bill requires a shorter and not a longer term, a smaller and not a greater interest; and if in Ireland there is a smaller proportion possessing the smaller interest than the proportion possessing a greater in England, that is no ground for charging the authors of the Irish Reform Bill (which, like the English Bill, is founded on the basis, not of numbers, but of property) with giving a more restricted franchise to the one country than they have conferred on the other. With respect to the household franchise, there is no difference, and there was intended to be none, between the English and Irish Bills, except that the English Bill requires all rates due on the 1st of July to be paid on the 6th of April previous; while the Irish Bill requires all rates to be paid except such as were due for the period of six months next preceding the day of registration. I defy the Honourable and Learned Member to shake those facts, or to make out any shadow of foundation for his assertion, that the Irish franchise is more restricted than the English. The Honourable and Learned Member says that I wish to introduce needless expense and vexation in compelling persons to submit to an examination, and in giving an appeal to the judges, remarking, that there are not many Irish judges who have the confidence of the country. I was sorry to hear such language from the Honourable and Learned Member, and I must protest against the justice of such a reflection. I have as much confidence in the decisions of Chief Justice Perrin, Chief Baron Woulfe, and Baron O'Loghlen, as in those of any of the judges; and I must observe, that it is most injurious to the character of those learned persons, that such allegations should be thrown out against them by the Honourable and Learned Member, merely because he differs in opinion with them. But that this objection should now come from the Honourable and Learned Member is really surprising, when he gave the sanction of his authority to the Bill introduced by Mr. Perrin, in 1835, for the amendment of the registration. After speaking of the evils which arose from the uncertainty previously arising from the conflicting decisions of assistant barristers, the Honourable Member said, —

> This Bill is calculated to put an end to all this, by making the vote of every party conclusive for twelve months, with an appeal to the judges; and as its principle has been approved of by Honourable Gentlemen opposite, I trust it will be allowed to go into Committee.

Mr. O'CONNELL. — Sir, when I asserted that the Irish franchise was more restricted than the English, my meaning was, that the Irish Reform Bill, not going so far as to restore the same franchise which was continued in England, — the freehold franchise, — was by that means infinitely short of the Reform Bill, taken altogether, in England.

LORD STANLEY. — Then, Sir, I have the Honourable Member's admission of the fact, that, setting the freehold franchise aside, the qualification of the leaseholders and householders is at least as extensive in the Irish Bill as in the English. I have proved, indeed, that it is more so.

Mr. O'CONNELL. — Sir, I only beg to be understood as not admitting that.

Motion agreed to; Bill ordered to be brought in by Lord Stanley, Lord Granville Somerset, and Mr. Emerson Tennent.

REGISTERED ELECTORS.

Mr. HUME. — As I do not anticipate any objection to the production of the Returns for which I intend to move, I will, without further observation, propose, "That an humble Address be presented to Her Majesty, that she will be graciously pleased to give directions, that there be laid before this House, Returns of the number of electors on the register for each county of England and Wales for the year 1839-40; and distinguishing, in classes, the number registered, as freeholders, copyholders, leaseholders, occupying tenants at 50*l.* a-year rent and upwards, or as holding qualifications of a similar nature; together with an abstract of the numbers of each class, showing the increase or decrease in number under each separate head, since the Returns of the registered voters at the general election in 1835 (as given in Parliamentary Papers No. 199. and 227. of 1836):

Of the number of electors on the register for each city, town, or borough, in England and Wales, for the year 1839-40; and distinguishing, in classes, the numbers registered in each place as 10*l.* occupiers, and the numbers registered under the old qualifications reserved by the Reform Act; specifying what such qualifications are in each, and whether the party possessed the old and the new franchise; together with an abstract of the numbers of each class, and of the whole; showing (as above) the increase and decrease since 1835:

Of the number of electors on the register for each county in Scotland, for the year, from July, 1839, to July, 1840, showing, in columns, those transferred from the old roll of freeholders to the new roll, the 10*l.* life rent, and those enrolled on the different qualifications of property or lease; distinguishing in each class those enrolled as life-renters, and those enrolled as a joint qualification, showing a comparison of the increase or decrease since 1835:

Of the number of electors on the register in each city or burgh returning or contributing to return a Member or Members to serve in Parliament, in classes of burghs, for the year 1840, showing, in columns, the number of owners and occupiers, joint owners, and joint occupiers; together with an abstract of the number of each class, and of the whole; showing also a comparison of the increase or decrease since 1835:

Of the number of electors on the register for each county of Ireland, qualified to vote at any election which may take place before the 1st day of January, 1841; and distinguishing, in classes, the numbers registered under the different qualifications, in each county; together with an abstract of the number of each class, and of the whole; showing also a comparison of the increase or decrease since 1835:

Of the number of electors on the register for the year, qualified to vote at any election which may take place before the 1st day of January, 1841, in each city, town, and borough of Ireland; and distinguishing the numbers in each place registered under the old qualifications, specifying what such qualifications are in each, reserved by the Reform Act, and the numbers registered under the new qualifications admitted by the Reform Act; together with an abstract of the number of each class, and of the whole; showing also a comparison of the increase or decrease since 1835."

The motion having been seconded, —

LORD ELIOT said: — I shall certainly object to the motion of the Honourable Member in its present form, because I consider that it will be productive of great trouble and expense. It may be supposed that the Returns now moved for are similar to those ordered in 1836, which are alluded to in the first paragraph; but that is not the fact; because the present motion is not merely for Returns of the number of electors, but for the classification of them also. This will impose great labour upon the clerks of the peace of the several counties; and it cannot be supposed that they are to perform such great extra labour without remuneration. Is it the intention of the Honourable Member that the respective counties shall pay the expense of getting up these Returns? If so, although I do not object to the information, I must decidedly object to that mode of defraying the cost of obtaining it. Unless, therefore, the Honourable Member can show that the expense will not fall upon the counties, I shall be inclined to oppose the motion.

MR. HUME. — Sir, it is perfectly true that the Noble Lord will not find the Returns of 1836 made in the same words as the present motion, because the wording of this has been amended, in order to make it more comprehensive. The former Returns were defective, and I wish to obtain complete ones. All the trouble that will be imposed upon the clerks of the peace will be, merely to count up the numbers of voters in each printed register, and to select from each page a statement of how many freeholders, copyholders, leaseholders, and occupying tenants there are. If the order be sent out from the Home Office, I hope a prepared table, to be filled up under heads, will accompany that order. This information is of such importance, that if the individuals furnishing it cannot be remunerated in any other manner, I am certain the House will not hesitate to vote a sum for that purpose.

LORD G. SOMERSET. — I admit that the information sought by the motion of the Honourable Member may not be unacceptable; but I wish to know in what way the Government will set to work in order to obtain it? I presume application will be made to the clerks of the peace in the different boroughs; but I very much doubt the power of enforcing these Returns. Although some payments of this kind may have been made by counties, other clerks of the peace have been unable to procure any compensation for similar work. I very much doubt whether this be a legal charge on the county. If the Noble Lord opposite has any means of remunerating those individuals, he perhaps will give the House some information on the subject. I wish the Honourable Member to pause until that point be settled.

Mr. SHAW.—Great complaints have been made by the clerks of the peace in Ireland of the trouble and expense to which they have been put in making out Returns similar to those now moved for by the Honourable Member. They have been unable, in many instances, to procure remuneration; and I believe that a charge of this kind ought not to be made on counties.

Mr. O'CONNELL.—Sir, the clerks of the peace are compelled to prepare printed lists of the persons entitled to vote, a copy of which any person can procure for a shilling. The labour and expense of compiling the Return asked for from those lists will therefore be very trifling.

COLONEL PERCEVAL.—The lists referred to by the Honourable and Learned Member contain a number of claimants, and are continually undergoing such changes as will render them comparatively useless for the purpose of making up any Return.

Mr. O'CONNELL.—I beg to inform the Honourable and Gallant Gentleman that the list of voters is one quite distinct from the list of claimants.

Mr. ESTCOURT.—I trust, Sir, that the Honourable Gentleman will not think of imposing this additional labour on the clerks of the peace without devising some means for their remuneration. I think the Honourable Member would obtain the information which he seeks much more effectually through the Home Office; and I hope that he will either suspend his motion altogether, or bring it forward in a different shape.

Mr. TATTON EGERTON.—I must also enter my protest against the motion, on the ground of its having a tendency to increase the already heavy charges imposed upon counties. If the Honourable Member would procure a list of the voters for each county and borough, he could have an abstract made by the officers of the House.

LORD J. RUSSELL.—I feel very strongly the objection founded on the extra labour imposed upon clerks of the peace in getting up Returns like those now moved for by the Honourable Member for Kilkenny. But if clerks of the peace and other officers are to be permitted to make out bills for their trouble, and charge them upon the public purse, an enormous burden will be thrown upon the country. I think that those Returns only should be ordered which are likely to be of essential service; and that they ought to be made by the proper officers. The Returns now moved for will prove extremely valuable, and will be attended with much less trouble than the Returns ordered, not long ago with regard to the county rate, which were of a very complicated nature.

Mr. SERJEANT JACKSON.—I beg the Noble Lord to consider, if the payment for these Returns will entail an unreasonable burden upon the public purse, how much greater is the burden imposed upon the clerks of the peace, who are required to get them up? As chairman of a county, I have repeatedly seen the great trouble and expense to which clerks of the peace have been put by such motions as the present. I doubt very much whether it be practicable to make the Returns from Ireland now moved for. On behalf of a very meritorious class of public officers, upon whom this gratuitous and useless burden is to be thrown, I protest against the motion, and I recommend the Honourable Member to put it in a simpler form, which he may do without losing any necessary information.

The House divided:—Ayes 87, Noes 76; Majority 11.

AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, Rt. Hn. F. T.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Buller, E.
Campbell, Sir J.
Clay, W.
Craig, W. G.
Curry, Mr. Serjeant
Duke, Sir J.
Duncombe, T.
Eliot, Hon. J. E.
Evans, W.
Fielden, J.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Hastie, A.
Hindley, C.
Hobhouse, Rt. Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Lambton, H.
Langdale, Hon. C.
Lynch, A. H.
Maule, Hon. Fox
Melgund, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmerston, Lord Vt.
Parker, J. (Sheff.)

Parnell, Rt. Hn. Sir H.
Philips, M.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Somerville, Sir W. M.
Stanley, Hon. E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Wallace, R.
Ward, H. G.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Wood, B.

Tellers.
Hume, J.
Warburton, H.

NOES.

Acland, Sir T. D
Acland, T. D.
Arbuthnott, Hon. H.
Bailey, J. jun.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blakemore, R.
Bolling, W.
Broadley, H.
Broadwood, H.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Cholmondeley, Hn. H.
Clerk, Sir G.
Darby, G.
Douglas, Sir C. E.
Duncombe, Hon. W.
Egerton, W. T,
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fox, S. L.
Freshfield, J. W.
Godson, R.
Graham, Rt. Hn. Sir J.
Greene, T.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hope, Hon. C.
Hope, G. W.
Hurst, R. H.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jackson, Mr. Serjeant
Jermyn, Earl
Knight, H. G.
Litton, E.
Lowther, J. H.
Mackenzie, T.
Mahon, Lord Viscount
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Milnes, R. M.
Norreys, Lord
Parker, R. T.
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Pusey, P.
Rickford, W.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Sutton, Hn. J. H. T. M.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Wilbraham, Hon. B.
Wodehouse, E.
Wood, Colonel T.

Tellers.
Eliot, Lord
Estcourt, T.

Returns ordered.

BUDE LIGHT.

SIR F. TRENCH. — I beg, Sir, to move for "Accounts of all expenses connected with the experiments of the Bude light, from their commencement to the present day, including erection of machinery, wages, and labour, and remuneration of the inventor:

Also, the expense of removing and again replacing the lustres and shades."

Mr. WARBURTON. — Sir, I do not mean to make any offensive observations; but as the Honourable Baronet is continually bringing the subject before the House, I cannot help comparing him to a hen with only one chicken.

[Laughter, and cries of "Order!"]

The SPEAKER. — I am sure the Honourable Member must see that an allusion directly personal to another Honourable Gentleman must be calculated to give offence.

Mr. WARBURTON. — I am quite ready to apologise to the Gallant Member, if I have given him any offence. I hope the experiments which have been commenced have not terminated; for the present temperature of the House does not tell in favour of the mode of illumination recommended by the Honourable and Gallant Officer. I trust that Mr. Gurney will be enabled to complete his experiments, and that the Bude light will be again introduced after the Easter recess; for as Mr. Gurney had only ten days' notice to complete his arrangements, before he was called upon to light the House, it could not be expected that he would be able to do it in so satisfactory a manner as he would have done if more time had been allowed. I shall have no objection to the Returns now moved for when the experiments have been completed.

Mr. H. HINDE. — I cannot see any objection whatever to the production of these Returns. On the contrary, I think they ought to be made; for we shall then be able to judge, from the expense already incurred, whether it be worth while to continue that mode of lighting the House.

Mr. WALLACE. — It may be very proper that we should have a Return of the estimate of the probable expense of completing the experiment; but I cannot see the use of the Returns now moved for. The expense already incurred is very great, in comparison with the expense of further experiments, and therefore it will not be a fair criterion.

SIR F. TRENCH. — I beg to inform the Honourable Member for Bridport, that the temperature of the House has generally been at sixty-two during the Session, and that it would have been so high as sixty-five to-night, had not orders been given to that effect. With regard to the expense, I wish to mention that the charge for lighting the House with candles is not 6*l.* per night, as stated on a former occasion; in reality it is little more than half that sum; the candles which are not entirely consumed in the House being made use of in the reading and other rooms.

Motion agreed to; accounts ordered.

SUPREME COURT (SCOTLAND).

On the motion of Mr. Fox Maule, Committee nominated:—Mr. Fox Maule, Mr. Wallace, Doctor Lushington, Mr. Goulburn, The Lord Advocate, Sir William Rae, Mr. Pigot, Mr. Serjeant Jackson, Sir Charles Grey, Sir Robert Harry Inglis, Doctor Stock, Lord Teignmouth, Mr. Horsman, Sir Thomas Acland, and Mr. Ewart.—Power to send for persons, papers, and records; five to be the quorum.

REGISTRATION OF ELECTORS (IRELAND).

Mr. SERJEANT JACKSON.—I have given notice of a motion for a Return of the number of freemen or burgesses in each of the boroughs in Ireland entitled to vote in the election of Members to serve in Parliament for such boroughs, having obtained certificates of registry. My object was to assist the House in framing a clause in the Municipal Bill, by which freemen might be allowed to vote in the election of town councillors.

Mr. PIGOT.—I really think the motion quite unnecessary.

Mr. SERJEANT JACKSON.—Sir, I think the production of the Returns will not compensate for the trouble and expense of making them; and therefore I will not press the motion.

Motion, by leave, withdrawn.

MR. SHERIFF EVANS.

SIR M. WOOD.—Sir, in rising to bring forward the motion of which I have given notice, it may, perhaps, be necessary for me briefly to explain the object which I have in view. The corporation of the city of London have always taken a prominent part in the manifestation of their loyalty and attachment to the Sovereign; and on the occasion of Her Majesty's marriage, they agreed to an address of congratulation on the happy event; but they have been unable to present that address, in consequence of the unhappy position in which the sheriffs have been placed. For the last 200 years, the uniform practice has been for the sheriffs to wait upon the Crown in order to ascertain the most convenient period for the presentation of addresses.

[Cries of "Oh, oh!"]

I think Honourable Gentlemen ought to have some little regard for the sheriffs, who have been incarcerated merely for persisting in the proper discharge of their duty. The gentleman who still remains in confinement is now suffering severely, and the House will have great cause for regret if they detain him much longer. The question now is, whether the House will grant the corporation the indulgence which they seek, or whether they will interrupt a practice which has invariably been followed? It can be no very great indulgence to the sheriff to give him his liberty for one day; but I think, if the House should not accede to the present motion, they will not be acting with courtesy either to the Sovereign, the corporation, or the country. I endeavoured to prevail on the corporation to allow the address to be presented to Her Majesty without the personal attendance of the sheriffs; but they do not wish to depart from their ancient custom; and it is a very natural feeling. I ask what opinion the country will entertain of the House of Commons, who are resolved to torture men for impartially discharging their duty? On a recent occasion, when the sheriffs endeavoured to place themselves in a proper position before the House, I asked the Noble Lord whether there was any prospect of their liberation. The Noble Lord replied, "Let them petition." In consequence of that suggestion, a petition was drawn up last night.

An Honourable Member.—Where is it?

SIR M. WOOD.—Where? It is in my pocket. They requested me to state, that if it met the approbation of the House, they were ready to petition; but I understood, from a high quarter, that no petition will do, but that they must pay the money; and I do not see the advantage of presenting a petition without any probability of success. Pay the money! What! is the House about to sell its privileges? Are the sheriffs to have the freedom of the House on the payment of 650*l.*? If the sheriff who is now in custody be detained until he has paid that sum, he will not be liberated until a dissolution of Parliament; for I can assure the House that it will not be paid. Have not the sheriffs done everything they could to avoid giving offence to the House? Have they not, in deference to the resolution of the House, endeavoured to stay the writ of inquiry now pending. After all that has taken place, I am quite in the dark as to the real cause of the detention of Mr. Sheriff Evans. My present object is to obtain for him the indulgence of waiting on Her Majesty, to ascertain when she will be graciously pleased to receive the address of the corporation. If, after the discharge of that duty, the House should think proper to order him back to his cell, I pledge my existence that he will immediately return; and then the House may indulge itself in the pleasure of keeping him as a prisoner. I am afraid, from the temper of the House, that there is very little prospect of my request being complied with; and I am sorry to find those Honourable Gentlemen with whom I have had the pleasure of acting for forty years, after all their professions of liberality, disposed to act in this tyrannical manner. I now beg to move, "That the corporation of London having, on the 12th instant, resolved to present an address to Her Majesty, Her Royal Highness the Duchess of Kent, and His Royal Highness Prince Albert, on the marriage of Her Majesty; and by the ancient custom of the city of London, the sheriffs being permitted to wait on Her Majesty to receive Her Majesty's commands with respect to the presentation of such address; be it resolved, That Mr. Sheriff Evans be allowed to wait on Her Majesty, for the purpose of receiving such commands of Her Majesty."

An HONOURABLE MEMBER. — Sir, I beg to second the motion.

LORD JOHN RUSSELL.—I will not now attempt to discuss a matter which has been so often before the House. I am afraid that the Honourable Baronet will never be able to comprehend the ground on which the sheriff is detained. If it be improper to discharge the sheriff, I cannot think that it would have any good effect that he should wait on Her Majesty, for any particular purpose, in custody of the messenger, when some other officer of the city — as the Chamberlain, or the Remembrancer — may just as well obtain Her Majesty's commands. I shall, therefore, meet the motion of the Honourable Baronet by giving it my decided opposition, and by moving, as an amendment, that the Orders of the Day be now read.

An HONOURABLE MEMBER. — I beg to second the amendment.

Question put, "That the Orders of the Day be now read."

MR. FRESHFIELD. — The Noble Lord has stated that the worthy Alderman does not understand the precise position of the sheriffs ——

[Cries of "Divide, divide!"]

I, also, labour under the same disadvantage, so far as the question of privilege is illustrated by the present situation of the sheriff. I understood the Honourable and Learned Gentleman (the Solicitor General), on a former evening, to contend that we were proceeding, as if the person of the printer had been in the custody of the sheriff, and that we were endeavouring to deliver him out of custody; for the Honourable and Learned Gentleman said that the money represented the printer, and that we were perfectly consistent in trying to get it back again. The argument of the Honourable and Learned Gentleman appeared to receive the sanction of the House on that occasion. But let us consider what is the state of the question at present. The money is no longer in the hands of the sheriff. It is not in the power of the House to pursue the money for the purpose of getting it repaid to Mr. Hansard, because it has been paid to Mr. Stockdale. Our present course of proceeding may, perhaps, be intended to punish the sheriff for what he has already done, in levying the execution; but if so, let the House at once declare the fact. It may be for the purpose of inflicting a fine on the sheriff; but if such be the case, let the people know our intentions in that respect.

[Cries of "Divide, divide!"]

I can readily excuse a little impatience on this occasion, in consequence of the subject being so trite. It relates only to the personal liberty of one of Her Majesty's subjects, — the sheriff of the county.

[Loud cries of "Divide, divide!"]

I do not intend to detain the House many moments; and I am quite willing to wait until Honourable Members are ready to hear me. The sheriff, perhaps, may be detained in order that he may be forthcoming, should any new breach of privilege be committed. Whatever be the intention of the House, let it be sincerely and positively announced; and let us not continue to represent that we are following the goods of Mr. Hansard in the hands of the sheriff, when we are fully aware that the money is no longer in his hands.

[Cries of "Divide, divide!"]

The House divided: — Ayes 81, Noes 39; Majority 42.

AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Baring, Rt. Hn. F. T.
Barry, G. S.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Buller, E.
Campbell, Sir J.
Clay, W.
Craig, W. G.
Curry, Mr. Serjeant
Elliot, Hon. J. E.
Evans, W.
Ewart, W
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Hastie, A.
Hawes, B.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hurst, R. H.
Lambton, H.
Langdale, Hon. C.
Lynch, A. H.
Melgund, Lord Visct.
Milnes, R. M.
Morpeth, Lord Visct.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Philips, M.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheil, Rt. Hon. R. L.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Williams, W.
Wood, G. W.
Wood, B.

Tellers.

Maule, Hon. Fox
Stanley, Hon. E. J.

NOES.

Acland, Sir T. D.
Bailey, J. jun.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Buck, L. W.
Darby, G.
Duke, Sir J.
Duncombe, T.
Duncombe, Hon. W.
Farnham, E. B.
Fielden, J.
Godson, R.
Greene, T.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Hope, G. W.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jackson, Mr. Serjeant
Lowther, J. H.
Mahon, Lord Viscount
Maunsell, T. P.
Norreys, Lord
Perceval, Colonel
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sibthorp, Colonel
Talfourd, Mr. Serjeant
Verner, Colonel
Wilbraham, Hon. B.
Wodehouse, E.

Tellers.

Freshfield, J. W.
Wood, Sir M.

The Orders of the Day were then read.

COPYRIGHT BILL.

Committee deferred till Wednesday, 8th of April.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Committee deferred till Thursday.

INLAND WAREHOUSING BILL.

Second reading deferred till this day.

ADJOURNMENT.

LORD JOHN RUSSELL. — Sir, I move that the House do now adjourn.

Question put.

Mr. GODSON. — I must enter my protest against the present unusual mode of proceeding. It is quite contrary to the usual practice of the House to dispose of the Orders of the Day before the Notices of Motion have been gone through.

[Cries of "Oh, oh!"]

I have a motion on the paper for the discharge of Mr. Sheriff Evans, which has been thus passed over. It is said that the sheriffs ought not to be discharged until the money has been paid; although it has been admitted that they are not in custody on that account. I will now confine myself to the personal conduct of the sheriffs; and I think it quite unfair that the question of privilege should be discussed, as it always has been, when their personal conduct, alone, has been brought before the House.

[Cries of "Adjourn!"]

They delayed the proceedings in the action in this case as much as they possibly could, thinking that the House would arrange the matter, by passing some Act of Parliament; but this not having been done, they were compelled to obey the law laid down by the court; and the imprisonment has now continued for five weeks. The sheriffs having obeyed the law, what course is the House pursuing? It is teaching the Court of Queen's Bench the law, by means of the imprisonment of the sheriff.

[Cries of "Oh, oh!"]

The privilege of commitment is, undoubtedly, an ancient one; but it is as barbarous as it is ancient.

[Cries of "Adjourn, adjourn!"]

I beg to propose, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words "William Evans, Esquire, Sheriff of Middlesex, be forthwith discharged," instead thereof.

COLONEL SIBTHORP.—Sir, I beg to second the amendment.

Question, "That the words proposed to be left out stand part of the question," put, and agreed to; main question put, and agreed to.

Adjourned at one o'clock.

HOUSE OF COMMONS, Mercurii, 26° die Februarii, 1840.

PRIVATE BUSINESS.

Petitions for Private Bills Committee. — Leave given to Sub-Committee No. 4. to sit this day till five of the clock, during the sitting of the House.

Ayr Waterworks.—Petition of William Paterson, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Old Brompton (Victoria) Kensington Roads.—Petitions of John Henniker, Esquire, William Thomas Atwood, and Edward Charles Eddrup, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Ardwick Improvement. — Petition of commissioners for the improvement of the township of Ardwick, for leave to proceed with the Bill for such objects in respect of which the Standing Orders have been complied with. —To lie on the table, and to be printed.

Deal and Walmer Waterworks; Weaver Churches; Ardrossan and Johnstone Railway. — Petitions for Bills reported; Reports severally referred to the Select Committee on Standing Orders.

Tavistock Small Debts. — Petition for Bill reported, and Bill ordered to be brought in by the Marquess of Tavistock and Mr. Rundle.

Birmingham Canal Navigation. — Order for Bill (5th February) read, and discharged; another Bill ordered to be brought in by Colonel Anson and Lord Viscount Ingestre.

The following Bills were severally presented; read a first time; and ordered to be read a second time.

Norwich Improvement Bill (No. 1.), — "To amend the Acts relating to the Improvement of the City of Norwich, and to extend the same to certain Parts of the County of the said City."

Exeter Waterworks Bill, — "To amend the Acts for supplying with Water the City and County of the City of Exeter, and Places adjacent thereto."

Sarum and Ealing Road Bill, — "For repairing and improving the Roads from Lobcombe Corner, in the Parish of Winterslow, to Harnham Bridge, in the County of Wilts, and from the West Corner of St. Anne's Street, in the City of New Sarum, to Landford, and other Roads in the County of Southampton."

Greenhill and Eckington Roads Bill, — "For making a Turnpike Road from Greenhill Moor to Eckington, with two Branches."

Sheffield and Rotherham Railway Bill, — Reported; Report to lie on the table, and to be printed.

Bolton Small Debts Bill. — Read a second time, and committed to Mr. Bolling and the South Lancaster list.

Wolverhampton Chapel Bill. — Reported; to be ingrossed.

London and Greenwich Railway Enlargement and Station. — On the motion of Lord Granville Somerset, Report from Select Committee on Standing Orders (24th February) read.

LORD GRANVILLE SOMERSET.— I rise, Sir, to propose that the Croydon Railway Company have leave to proceed with their Bill for the London and Greenwich railway enlargement and station, as though they had, in every respect, conformed to the Standing Orders. There is no one in the House more anxious to maintain the Standing Orders than myself. I believe they are calculated to do great good; and I assure the House that, were it not for some peculiar circumstances in this case, which I shall, in as few words as possible, endeavour to explain, I should not ask them to make it an exception to the general rule. From an investigation that took place before the Select Committee, last year, it appeared that the Croydon, the Dover, and the Brighton railways had but one common *terminus*, —namely, at the north side of the London *terminus* of the Greenwich Railway; and that, to arrive at that common *terminus*, it was necessary for the trains of the three lines I have mentioned to cross the Greenwich line. As yet, the Croydon company, only, have opened a communication with London; and already have the obvious inconvenience and danger of this arrangement been experienced. The House will, at once, perceive, when I inform them that the Greenwich trains run every quarter of an hour, and, during fair times, every five minutes, throughout the day, what must be the danger of collision between the trains of the two lines, — from the fact of the Croydon trains having to cross the Greenwich rails; and in what imminent peril the lives of the passengers must be placed. One case of collision has already occurred: fortunately, no lives were lost; but it is quite evident that the most fatal consequences might have resulted.

I will now, having shown the necessity for a remedy, proceed to state the special reasons why the Croydon company should be allowed to proceed with their Bill. In consequence of the Report of the Committee of last year, to which I have before alluded, the Croydon, Greenwich, Dover, and Brighton railways entered into mutual negotiations. Many plans and projects were devised; but, hitherto, no agreement has been come to between the various parties. It was under these circumstances that the Croydon company gave notice of their intention to bring in a Bill for the purpose of enabling them to enlarge their railway, and to run a parallel line from the present junction of the two railways along the south side of the Greenwich line; thus obviating the inconvenience complained of. The Greenwich company proposed a similar Bill; and they were enabled to comply with the Standing Orders, inasmuch as the whole of the property required for this new *terminus* was already in their own hands; but the Croydon company, although most anxious to afford a safe and efficient means of communication, were not enabled to give the notice to the proprietors of the land which the Standing Orders of the House require should be given. The Standing Orders require that a notice should be given in the spring of the year previous to the application to Parliament. I can, however, say, — having been myself a member of the Committee by whom those Orders were framed, — that it never was the intention of that Committee that the rule should apply so strictly as to prevent the accomplishment of a great public benefit, in a case such as this, wherein it was impossible for the Company to have given the notice within the prescribed time. The Croydon company have complied with the Standing Orders as far as they were able to do so; and have, by all the means in their power, given publicity to their intention. The fact is, the ground they require for their new line is the property of the Greenwich company, except only a very small portion, which is of no importance, and about which there is no difficulty. I therefore can see no private injury that can result from the want of due notice; while, on the other hand, a great public advantage may be expected if the Company be permitted to proceed with their Bill. I shall be told, no doubt, that the Greenwich company are willing to complete this work; but the House will be aware — for it is in evidence before them — that the Greenwich company intend, if they provide this accommodation to the public, to charge an increased rate per passenger for the use of their line. The Croydon company do not propose to make any increase in the charge; and I think, therefore, the House will agree with me, that this furnishes a strong reason for permitting the Croydon company to construct the proposed line. All I ask is, to allow the two Bills to go before the Committee, and let them say which company is likely to afford to the public the more perfect, and, at the same time, the cheaper means of communication. I will say nothing as to the merits of either company; but what I do claim on the part of the public is, that the communication between London, Brighton, and Dover should be as cheap, and as safe, as legislative enactment can make it; and it is on this main ground that I ask the House to accede to my motion, which is, That the Croydon Railway Company have leave to proceed with their Bill for the London and Greenwich Railway enlargement and station.

On the question being put, —

SIR E. KNATCHBULL said: — I wish to offer a very few words to the House on the subject of my Noble Friend's motion. My Noble Friend brings forward that which he considers a specific ground for this indulgence; and I am not disposed to quarrel with him upon the principle of it, — namely, that the present danger to the passengers is so great, that it is necessary to enlarge the *terminus* where the different lines meet. Upon that ground, I should not find myself disposed to dissent from the motion. But there are two Bills before the House, both for the same object. The one is the Croydon company's Bill, on which the Standing Orders have not been complied with; the other is the Greenwich company's Bill, on which the Standing Orders have been implicitly followed. My Noble Friend says, it is proper to allow the two Bills to go on together, *pari passu*. I do not think so. I do not conceive we ought to entail on both parties the expense of proceeding with their Bills. It is, of course, a question for the House to decide; but, as chairman of the Standing Orders Committee, I have thought it my duty to make these few observations.

Mr. HODGES.—If there were no other Bill before the House, having the same object of public convenience in view, than that which the Noble Lord advocates, it might, I think, be a question whether, under the circumstances, the Standing Orders ought not to be dispensed with, so far as to allow the Bill to proceed. But that is not the state of the case; for here we have another railway company, who have brought forward a Bill for precisely the same purpose, and who have, in every way, conformed to the Standing Orders of the House. I conceive it to be our duty not to put parties to unnecessary expense; and therefore I hope the Greenwich company's Bill will be considered sufficient.

SIR GEORGE STRICKLAND. — It was for some time considered that great injustice was often inflicted on individuals by the power we gave to railway companies to interfere with private property, which, in many cases, had been vested for particular purposes, — without giving to the parties any power of redress; and it was on this view of the subject that the Railway Committee felt great regret that they could not lay down rules and regulations of a more stringent character for the protection of private property. They, however, came to one resolution, which was, "that no railway company should hereafter be permitted to interfere with any private property, except after proof of proper notice having been given, — that is, in the month of February in the year preceding the bringing in of the Bill." That resolution, which was made a Standing Order of the House, has, in the present case, not been complied with; and the simple question is, whether the mere fact of the property in question belonging to a rival company is a sufficient ground for dispensing with the Standing Orders? In my opinion, it is not. Much has been said about danger to the public; but let it be remembered that the Greenwich company have also brought in a Bill to remove that danger, and to afford the same extent of convenience which the Croydon company would give by their Bill. This ground, therefore,—which, in my opinion, is no ground at all, — fails. The land which the Croydon company require is the property of the Greenwich company; but that is no reason why we should deprive it of that protection which we extend to the property of other persons. I, for one, shall vote against the Noble Lord's motion.

Mr. FRESHFIELD. — If the House refuse the present application, the Greenwich company will decide for themselves whether the public shall or shall not have the advantage which it was the object of the Committee of last year to afford them. The Greenwich company are in possession of the property by means of which this improvement is to be made; they, therefore, cannot be placed in a better situation; and they have, under the authority of Parliament, obtained ground to lay down two additional lines of rails on the south side of their present line. But the inconvenience complained of is this, that the trains of the three lines of railway — the Dover, Brighton, and Croydon — have to proceed along the Greenwich line, and to cross the rails both of the up and down line, to arrive at their *terminus* on the north side of the Greenwich line. This the Committee of last year thought was fraught with great danger to the public, and they reported to that effect; and the object of the Croydon company, is to remove that danger. The Greenwich company can desire nothing better than that the matter should remain as it is; and if the Croydon company be not allowed to proceed with their Bill, the Greenwich company may carry out the improvement or not, as they please; or they may allow their own Bill to drop at any period. The question, then, resolves itself into this, — Shall we afford protection to the public by the only means by which the public can be protected, that is — (if no arrangement can be made between the Croydon and the Greenwich companies) — to give the former the power to purchase the ground they require to make a proper *terminus* on the south side of the Greenwich line? This is not a question of invasion of private property, in which the Standing Orders would obviously apply; but it is one in which the public feel great interest; it is, in fact, in all respects, a public, and not a private, question.

Mr DARBY. — The Report of the

Committee of last year was, that, for the trains of the three railways, the Croydon, Dover, and Brighton, to cross the Greenwich line, was unsafe to the public. The Croydon company were anxious to comply with the recommendation of the Committee, and to afford the public the required convenience; but the Report was made too late in the year to enable them to give the notices which the Standing Orders require. Under these circumstances, they ask the House to permit them to proceed with their Bill, as though those notices had been given. If this were a new railway, and the property about to be taken were private, I should be prepared to insist on a full compliance with the Standing Orders; but the question I have now to consider is, whether the Dover and Brighton railways shall be allowed to go on?—for into that it resolves itself. I am of opinion that the public should have the advantages which these means of communication would afford, therefore, I shall support my Noble Friend's motion. It is a little curious, that, in the course of last Session, when a similar application was made to dispense with the Standing Orders, that application was at once agreed to, and the Bill was allowed to proceed.

Mr. ALDERMAN HUMPHERY.—The Croydon company are told by this House that their present *terminus* is unsafe, inasmuch as it is necessary for their trains to cross the Greenwich line. The Greenwich company say "If you will pay us 3*d.* per passenger more than you have agreed to pay us, we will build an additional *terminus* for your accommodation." The Croydon company do not object to enter into an arrangement with the Greenwich company, provided they will undertake to carry out the improvement immediately; but that is the difficulty. And it must be obvious to every one who considers the position of the Greenwich company, that it would be all but impossible for them to afford the required accommodation. They have already obtained all the money they could raise on the security of their railway; and it is quite clear that without funds they can do nothing. There is another reason why the House should accede to this motion, which is, that—as I have been informed—the Croydon company do not intend to make any increased charge on the public for this additional convenience to the public. It is unfortunate that the Croydon company ever went to the north side of the Greenwich line; they should have made their *terminus* at the south side in the first instance. But after the Report of the Committee of last year, and the experience we have already had of the inconvenience and danger to the public, occasioned by the present arrangement, I think it would be most unfair to prevent the Croydon company from proceeding with their Bill.

Mr. HUME.—Sir, my opinion entirely coincides with that of my Honourable Friend the Member for Southwark; and I hope the House will understand this question, not as one that affects the two rival companies only, but as one in which the public have an interest. It is a matter of great importance to the public that the two railways, the Dover and the Brighton, should be completed, and that they should have the means of communication which those two railways are calculated to afford. The object of the Croydon company is to facilitate that communication, by constructing a safe and convenient *terminus*. Another important consideration is, the charge on the public; and I believe, if the Greenwich is to be the sole line, the rate of charge will be increased by one third, or perhaps one half. There can be no doubt that the public convenience will be best consulted by allowing the Croydon company to proceed with their Bill; and under all the circumstances, considering that there has been no neglect on the part of the parties themselves, I trust the House will consent to waive the Standing Orders.

SIR T. FREMANTLE.—I think, Sir, the observations of the three last Honourable Gentlemen who have spoken comprise the arguments which should have been urged before the Committee, to induce them to recommend the House to depart from the Standing Orders in this case. I will, with the permission of the House, call the attention of Honourable Gentlemen to the Standing Order that refers to the case. The Standing Orders Committee considered that it was necessary, for the protection of the public, that notices should be given, not only in the months of November and December, but also in the spring of the year, preceding that in which any Bill of this sort is introduced; in order that parties might know that their property would be likely to be invaded. After this resolution had been in operation for twelve months, it was resolved, by another Committee, that the spring notice ought, in all cases, to be insisted upon. In the present case, the spring notice has not been given; consequently, the parties are not in a condition to proceed with their Bill. My opinion is, that this is a case in which compliance with the Standing Orders ought to be required more than in any other; because the land which this company propose to take is already in the possession of another company, who, having already gone to very great expense in constructing a suitable *terminus;* and it having been allowed to them to lay down a second line of rails, in addition to what they have already, hold, at this moment, a great part of the land, and are willing to proceed with the work. I think, then, under such circumstances, it would be most unjust to allow another company now to step in and take from them by force their land, for the purpose of building a rival line. It has been said, that the Greenwich company will charge more than the Croydon company; but that is a question for the Committee to consider. If it should appear to the Committee on the Bill that the proposed rate of tolls is exorbitant, they can throw out the Bill. Then it is said, this is a question that interests the public, and that it is essential, on the ground of public convenience, that there should be this second line of railway. I admit that, if it could be shown that the Greenwich company were not prepared to go on with the work, that would be a ground for extending the indulgence to the rival company. But let us first see whether the Greenwich company will refuse or neglect to act in conformity with the recommendations of the Committee of last year. If, when they have the power, by Act of Parliament, to proceed with the work, they neglect to do so, then my Noble Friend, at some future time, will come before the House with a good case in favour of the Croydon company; and, although the application may be made at a late period of the Session, I, for one, shall be most willing to vote with him.

Mr. KEMBLE. — If the Croydon company were applying for any advantage for themselves, the observations of the Honourable Baronet who has just sat down would be fair and proper; but they are about to incur this great expense, in conformity with the resolutions of a Committee of this House. The Croydon company have the greatest interest in effecting this alteration, and therefore are likely to carry it out in the most speedy and effectual manner.

LORD VISCOUNT SANDON.—The consequence of refusing this application will be, supposing the Greenwich company should not proceed with their Bill, to postpone the communication between Dover, Brighton, and London for a twelvemonth longer. That, I think, is a sufficient reason why the Standing Orders should be dispensed with in the present case. Then, it should be remembered that this Company do not propose to infringe on any private property; the land they require being the property of a rival company, and extending only about three or four miles. Under these circumstances, I think the notice of three or four months, which has been given, is amply sufficient.

Mr. ESTCOURT. — Although I was not present when the decision of the Standing Orders Committee was come to, still, from all I have been able to collect of the facts of the case, I perfectly coincide with that decision. I consider that the parties to a Private Bill are bound to comply with the Standing Orders which the House has laid down; and that the House itself is bound to see that those orders be strictly adhered to, except only where a great and paramount case of necessity can be shown. But no such paramount ground of necessity has been shown in the present case; nor have I heard anything during the present debate which, in my opinion, should induce the House to make it an exception to the general rule. I will not remark upon the private interests of the Company, because with them we have nothing to do: it is the interest of the public, and the public only, that can justify a departure from the Standing Orders; and I must say, that I see no public advantage that could be gained by complying with the present application. The Greenwich company have a Bill now before the House, to enable them to carry the proposed improvement into effect, and they have complied with the Standing Orders. I repeat that I quite concur with the decision of my colleagues on the Committee. I think, that, as the Croydon company have not complied with the Standing Orders, they should be stopped *in limine.* I, for one, therefore, shall oppose my Noble Friend's motion.

Mr. B. WOOD.—The House should not lose sight of this most important feature of the case, — namely, that at this moment the trains of the Croydon line cross the Greenwich line at every hour of the day, to the great risk of the lives of the passengers. The ground, therefore, of public necessity for the present Bill is, I think, sufficiently shown. It is not more than two months since a collision actually took place; and there is danger of similar accidents occurring every hour of the day. I hold, that the public convenience, as well as justice to the parties, requires that the two Bills should go before the Committee together.

The House then divided, when the numbers were — Ayes 95, Noes 22; Majority 73.

AYES.

Aglionby, H. A.
Aglionby, Major
Alsager, Captain
Bailey, J.
Bailey, J. jun.
Bannerman, A.
Barrington, Lord Vt.
Blackburne, I.
Broadley, H.
Buck, L. W.
Butler, Hon. Colonel
Craig, W. G.
Crawford, W.
Dalrymple, Sir A.
Darby, G.
Divett, E.
Duncombe, T.
Duncombe, Hon. W.
Dundas, F.
Eaton, R. J.
Eliot, Lord
Elliot, Hon. J. E.
Ellice, Rt. Hon. E.
Ellis, W.
Finch, F.
Fort, J.
Gaskell, J. M.
Gisborne, T.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Hall, Sir B.
Hardinge, Right Hon. Sir H.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hollond, R.
Holmes, Hon. W. A'Court
Humphery, J.
Hurt, F.
Hutchins, E. J.
Jackson, Mr. Serjeant
Jones, J.
Kemble, H.
Lemon, Sir C.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Lygon, Hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Visct.
Martin, J.
Maule, Hon. Fox
Maunsell, T. P.
Morris, D.
Norreys, Lord
Pechell, Captain
Perceval, Colonel
Philips, M.
Phillpotts, J.
Plumptre, J. P.
Polhill, F.
Price, R.
Rickford, W.
Rolleston, L.
Rundle, J.
Salwey, Colonel
Sandon, Lord Viscount
Seymour, Lord
Sheppard, T.
Smith, A.
Smith, G. R.
Somerset, Lord G.
Stanley, Lord
Stuart, Lord J.
Stuart, W. V.
Style, Sir C.
Sutton, Hn. J. H. T. M.
Thornely, T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Waddington, H. S.
Wallace, R.
Warburton, H.
White, A.
Wood, Colonel
Wood, B.

Tellers.
Baring, H.
Freshfield, J. W.

NOES.

Barnard, E. G.
Barneby, J.
Brocklehurst, J.
Brotherton, J.
Estcourt, T.
Filmer, Sir E.
Hodges, T. L.
Johnson, General
M'Taggart, J.
Miles, W.
Miles, P. W. S.
Patten, J. W.
Pendarves, E. W. W.
Perceval, Hon. G. J.
Pringle, A.
Sanford, E. A.
Sinclair, Sir G.
Strickland, Sir G.
Talfourd, Mr. Serjeant
Troubridge, Sir E. T.
Wilbraham, G.
Wood, Sir M.
Young, J. (Cavan)

Tellers.
Fremantle, Sir T.
Knatchbull, Rt. Hon. Sir E.

Leave given, as prayed.

STANDING ORDERS COMMITTEE.

Resolution reported: —

That, in the case of the Cambuslang and Muirkirk Road petition, the Standing Orders ought not to be dispensed with.

Report to lie on the table.

PUBLIC BUSINESS.

COMPTROLLERSHIP OF THE EXCHEQUER. — PENSION TO SIR JOHN NEWPORT.

Mr. HUME. — I wish to give notice, that, to-morrow, I intend to move an amendment on the last paragraph of the resolutions to be proposed by the Honourable Member for the county of Durham (Mr. Liddell), to the effect that the pension of Sir John Newport be withdrawn from the Civil List, and that his long services be submitted as a special case to the House for its consideration, with a view to make proper compensation for the same.

INTERNATIONAL COPYRIGHT.

LORD VISCOUNT MAHON. — Seeing the Noble Lord, the Secretary for Foreign Affairs, in his place, I wish to put a question to him relative to a Bill which was passed in a former Session touching international copyright. I wish to know whether any negotiation for carrying into effect the design of that Bill has been concluded with any foreign power; or whether the Noble Lord can hold out any prospect of any one of the negotiations, which it is understood have been going on for some time, on this subject, being brought to a speedy conclusion?

VISCOUNT PALMERSTON. — I have to inform my Noble Friend, in answer to his question, that, since the Bill was passed, several communications with foreign powers have taken place upon the subject; but as yet these negotiations have not led to any agreement. I trust, however, that in a short time I shall be enabled to announce their successful result.

SULPHUR MONOPOLY.

LORD VISCOUNT SANDON. — I see, by the public papers, that a report has reached this country, that a new treaty of commerce has been, or is about to be, made with Naples; and that the abolition of the sulphur contract has been agreed upon. As that report has occasioned some anxiety amongst commercial men, I wish to know from the Noble Lord whether or not it is true?

VISCOUNT PALMERSTON.—I certainly must express my regret that it is not in my power to confirm the report in all respects. It is quite true that negotiations with Naples are pending; but that the sulphur monopoly is abolished, unfortunately, is not true. Regarding that monopoly as a violation of the existing treaty, it is to be hoped that we shall very soon hear of its abolition.

WAR WITH CHINA.

SIR J. GRAHAM. — I beg to inquire of my Noble Friend whether the papers relating to China, which have been promised by the Government, are likely soon to be laid on the table?

VISCOUNT PALMERSTON.— They are in the course of preparation, and will, I hope, be ready in a day or two.

JUVENILE OFFENDERS BILL.

SIR E. WILMOT. — In moving the second reading of the Juvenile Offenders Bill, I hope the House will allow me to say a few words on the details of the measure. Several objections have been made against the measure; but I think the objectors have confounded the details with the principle of the Bill; and if the House will suffer it to be read a second time and to go into Committee, I am sure all those objections will be there fairly, and I hope satisfactorily, dealt with. The Bill proposes to give summary jurisdiction to magistrates in cases of larceny and misdemeanour; but it has been suggested to me, that this would embrace too large a field of crime; and that it would be almost impossible to apply the principle of summary jurisdiction to larcenies generally. But I am perfectly willing, if it be the wish of the House, to leave out the clauses relating to that subject, or to restrict the summary jurisdiction to certain misdemeanours which shall be specifically designated. It has also been suggested, with respect to the summary jurisdiction of two magistrates in petty sessions, that a jury should be formed of a few of the inhabitants of the localities, or *de circumstantibus;* and, in Committee, no doubt some arrangement of that nature can be made. With respect to the clause for doing away with the holding of petty sessions in public houses, I am so convinced of the evil of the practice, that I think some means should be taken to discontinue it; at least, wherever that may be practicable. Upon this point, however, I am also willing to act upon the sense of the House in committee on the Bill. It has been objected, that the measure I have proposed would be productive of very great expense to counties. From calculations which I have made, founded on the accounts of the charges incurred in prosecuting criminals, I venture to premise, without the slightest misgiving, that the counties will save by the Bill. I am quite sure there will be very little difficulty in settling, in Committee, all points of doubt and dispute. My object is, to erect an intermediate tribunal between the magistrates and the superior courts, in order to prevent young persons of twelve, eleven, and ten years of age, and perhaps even younger children, from being sent to prison for first and trivial offences, where they are usually not reclaimed from, but confirmed in, vice. This proposition has been before the public for years. Grand juries and petty juries, magistrates and judges, and persons of all descriptions, have countenanced and supported it; and this House itself, some time ago, appointed Committees to investigate the subject, which have supported the same view. I deny that this is a Bill of punishments, which I understand some who object to it have called it. It is a Bill to invest magistrates, not with an arbitrary power to inflict punishment, but to give them an authority similar to that which a master has over his apprentice, or a father over his son, — a moral authority, which will enable them to bring juvenile offenders under a course of moral training and discipline, that shall have the effect of reclaiming them to the paths of honesty and industry. The Bill is a merciful Bill, its object being to provide national parents and guardians for those who, unhappily, are deprived of natural parents and guardians; and thus to save them from being sent to gaols, there to be contaminated and ruined, to the great increase of crime and mischief in the land. The object of good laws should be as much to prevent as to punish offences; and I wish, by this Bill, so to deal with those who render themselves obnoxious to the penalties of the law for the first time, that, while suffering for their offences, they may be relieved from the stigma and pollution which would deprive them of the chance of reformation. I doubt not that the penitentiary in the Isle of Wight is found to answer; but I know, for a certainty, that the penitentiary at Warwick has done a great deal of good. The result of the experience acquired by the operation of the system pursued in the penitentiary of Warwickshire is this, — that though some of those juvenile offenders who have passed through gaols have been reformed, all those who have not have been altogether reclaimed. I am sure there is no one who has taken the trouble to make himself acquainted with the feelings, opinions, and practices of other countries, with regard to their criminal law, their management of offenders, and the amount of punishment which they inflict, but will readily agree with me that undue severity prevails in England. I believe, that, by the French code, although I have not myself read it, boys under the age of sixteen years are not subjected to punishment in the same manner as adults; being considered to be *sans discrétion*. It is not considered that their reason is awake; and, whenever brought to trial, if satisfactory evidence be given that they have not reached the age of legal responsibility, they are acquitted, as a matter of course. It is not my wish to detain the House a moment longer than necessary; but, seeing a large force collected for the purpose of overthrowing my Bill, I have felt it incumbent on me to make these few remarks. I would ask those Gentlemen who have come here to vote against the second reading, whether they can deny that a measure, having for its object the education of the people, should not be treated lightly? In all the experience I have had, I have discovered no reason to think that the majority of delinquents are urged to commit crime by the pressure of want. I do not believe that two cases could be found out of a hundred of juvenile offenders, in which the delinquents are driven into crime by distress: on the contrary, there are the best grounds for believing that crime is, in most cases, to be attributed to general ignorance; but more especially to ignorance of moral and religious duties, and to the absence of that sound discipline and control, without which, in early life, it is vain to hope, in any country, for a well-ordered population. A recent instance has come under my notice in the city of London, of two girls, one aged nine, the other eleven years; both were tried, and one sentenced to seven days' imprisonment, the other to seven years' transportation; and why was the latter sentence pronounced? Because the Children's Friend Society undertook the care of one of them; and in order to give that association the requisite authority over the offender, it became necessary to sentence her to seven years' transportation. I feel that the grievances arising out of the present state of the law are so intolerable, that the House must see the necessity of some alteration. I therefore move, that the Bill be now read a second time.

On the question being put, —

Mr. WILLIAM MILES said: — Sir, it is with great regret I rise to oppose the second reading of this Bill. But, after having listened with great attention to the speech of the Honourable Baronet who has moved the second reading, I cannot find that the arguments with which he has supported his motion agreed, in any one particular, with the principles contained in the Bill. I trust that my Honourable Friend will bear with me while I state the reasons which induce me to dissent from his proposition. I can assure him that I have looked narrowly into the character of the class of delinquents whom he would screen from any penalty; and the result of my inquiry has been to make me form a conclusion totally different from that to which he has come. I have, however, other and stronger objections to his Bill. I fear that one consequence of the passing of the Bill would be, that in graver offences than the mover contemplates, the measure would materially interfere with the trial by jury. I would, however, so far agree with the promoters of the Bill, as to assent to the removal of minor offences from the jurisdiction of juries. My Honourable Friend has gone at great length into the different efforts which have been made to establish summary jurisdiction in the case of minor offences; but I would refer him to one which he has omitted, — I mean the appointment of the County Rates Committee, of which the Right Honourable Baronet the Member for Tamworth was chairman. To that Committee the end now suggested appeared to be opposed by insurmountable obstacles. In their Report, they gave it as their opinion that it would be advisable to establish some tribunal to which immediate appeal could be made in the case of minor offences; but, at the same time, to guard effectually against abuse, the danger of which would be more imminent, as the process should be made more summary, the Government so far acted on that Report that they referred it for consideration to the Commissioners of Criminal Law, then sitting; and, in 1837, that Commission published its Report on juvenile delinquency, known as its Third Report. In that Report they laid down three propositions: first, that, in the case of a delinquent of tender years, the justice of peace should either dismiss him or take bail; — second, that a justice of peace should be able to pass sentence in cases of robbery, where the value did not amount to ten shillings; — and, thirdly, that no lengthened custody should, if possible, take place between the commission of the crime and the trial. Now, my Honourable Friend would have twenty different sessions in each county, and would have, also, twenty different prisons for juvenile offenders. Let the House consider what would be the expense of so many small prisons as his Bill would have the effect of creating. If, under such a Bill, two magistrates are to try offences, it must, of course, be at petty sessions. The places for holding petty sessions will probably be fifteen or sixteen in each county; and there must, therefore, be an equal number of small gaols. Let us look to the character of the offenders which this Bill would remove from the cognisance of courts of justice. He speaks of offenders of from nine to eleven years; but his Bill extends the privileged age to sixteen. Now, there is a very great difference between children of eleven years and children two years older. I can state, from my own experience, that the majority of offenders who appear in courts of justice range, in age, from fifteen to twenty-two years. I have had occasion to undertake the arduous task of looking through the criminal calendar of Somersetshire for the last ten years; and I will now state the result of that examination. The whole number of offenders from 1827 to 1837, was 7100. Of those, 500 were under the age of fifteen years; of whom, one fourth were, during that period, twice tried. But I have a better test than that, — a Report to which the House will attach greater importance. It is the Report of a Commission of which you, Sir, were Chief Commissioner. I do not think that a more interesting book ever was published. In this book, I find the character of juvenile offenders fully exemplified in the confessions of two boys in Knutsford gaol. These boys were of the age of fourteen, and had, by their own confession, been thieves from the age of nine. They were employed by men to steal into houses, and open the doors, and also to pick pockets in crowds; and, when detected, their accomplices used to "mill them out," as it was termed in slang phrase. These are the sort of delinquents which my Honourable Friend would screen from juries. I would ask my Honourable Friend, what are the difficulties attendant upon trial by jury? Does any one suppose that any difficulty is found arising out of the age of the accused, in determining his guilt or innocence? On the contrary, the difficulty in obtaining verdicts arises, almost invariably, from the valueless character of the articles stolen. My view of the course most expedient to be taken with the present Bill is, that it should be sent to a Committee up-stairs; and, if my Honourable Friend will not agree to that, I must move, as an amendment, that the Bill be read a second time this day six months.

Mr. FOX MAULE. — I would recommend the Honourable Baronet who has brought forward the Bill to adopt the suggestion just made of referring it to a Committee up-stairs; as, otherwise, I apprehend that, in the present state of the House, he must lose his Bill. I am willing to admit that a summary jurisdiction, for juvenile offenders, might be carried much further than the present state of the law permits; at the same time, I entertain a strong conviction that a measure having such an object in view ought to be submitted to a Select Committee, where the country Gentlemen will have an opportunity of investigating it; and, if for no other reason, on this account, that it will have a material effect upon the county rates. I am unwilling to vote against the principle of the Bill; but, if the Honourable Baronet will not consent to a Committee up-stairs, I must oppose the second reading.

COLONEL WOOD. — I do not mean anythiug disrespectful to the Honourable Baronet; but I am afraid that his Bill will not be improved by its being sent to a Committee up-stairs. I think that any alteration in the punishment of minor offences would be better effected by a Bill originating with the Under Secretary of State. I am not one of those who hold that the question of age should limit the jurisdiction of juries; but I think that the grades of offences might be altered so as to remove from our calendar the present weight of minor offences. I cannot help feeling that summary jurisdiction, with a fine, might be beneficially applied to minor offences. The Honourable Under Secretary wishes this Bill to go to a Select Committee, for the purpose of ascertaining the opinion of the country Gentlemen. I can tell him that the country Gentlemen have formed their opinion already; and that they consider their counties sufficiently burdened by the new rural police force, which, if vigilant, may do great good, but must, in any case, entail great expense on the counties. In my opinion, the best way would be, not to read this Bill a second time, but for Her Majesty's Government either to move for a Committee to inquire into the expediency of lowering the grade of offences, or to introduce a Bill for that purpose themselves.

Mr. SANFORD. — I think we are much indebted to the Honourable Baronet for bringing forward this measure; and I think we may fairly proceed with it another stage, without sending it to a Committee up-stairs, as we have already had the opinion of such a Committee as far as the principle is concerned. It might, however, be as well to allow the details to be discussed by such a Committee, particularly those portions to which the Honourable Member who spoke last has alluded. If the Bill were so examined and reported on, I think that some benefit to the country might be expected from it; but if it be left in its present state, it will be my duty to vote against it.

GENERAL JOHNSON. — I object to this Bill, because, in the first place, if carried, it will cause the erection of new gaols in every part of the country; and, secondly, because, as it now stands, it is a direct attack on the trial by jury; for all persons supposed to be under the age of sixteen are to be deprived of that advantage. I have a great objection to the Bill, and think it perfectly impossible to be made useful, even if sent to a Committee. I shall therefore vote for the amendment, that the Bill be read a second time this day six months.

Mr. ESTCOURT. — I entertain a very great objection to this measure, on the ground stated by the Honourable and Gallant Gentleman who has just spoken, — namely, that it is a direct attack on the trial by jury, the greatest of our constitutional rights; but I should be sorry to see it thrown out without giving it the chance of its being amended in the Committee. Nothing, in my opinion, can be more erroneous than to consider age as a criterion for summary jurisdiction; because, amongst persons under fifteen years of age, we often find the greatest criminals; while, on the other hand, persons far beyond that age are often brought before magistrates, in whose cases summary jurisdiction would be an act both of justice and humanity. This consideration presses so strongly on me, in consequence of what fell under my observation while sitting on the London Police Committee, that I cannot give my assent to any Bill which would limit summary jurisdiction to the cases of persons under sixteen. But, without troubling the House further, I will say, that, if the Honourable Baronet will adopt the suggestion of the Honourable Member for Somersetshire (Mr. Miles), he shall have my vote for the second reading of the Bill.

SIR E. WILMOT. — If the Honourable Member will examine the Bill, he will find that I have not taken age as a criterion for punishment, but as a criterion of education; and with regard to the clauses for summary jurisdiction, a similar clause passed this House last year, but was afterwards thrown out in the other House. By Returns which I hold in my hand, it appears that the average number of offenders under sixteen years of age is, — in Warwickshire, as 1 in 7; in Kent, as 1 in 8; in Middlesex, as 1 in 6; and in all England, as 1 in 10. An Honourable Member has hinted that this Bill will be thrown out in another place; for that I care not one farthing. I, as a Member of the House of Commons, have brought forward this measure, because I have thought it right to do so. The other House of Parliament will, of course, use its own discretion; but that shall not deter me from persisting in what I deem to be a right course. I would consent to this Bill going to a Committee, but that I predict that, if I do, it will come down totally different in principle from what it was when it was sent up. It may come down improved in principle, but it will not be my principle; because my principle is, to prevent boys from being contaminated by early imprisonment.

SIR G. STRICKLAND. — I think this Bill most objectionable on many grounds; but most especially because it will take away from those who come under its operation the advantage of trial by jury. For my part, I am not at all anxious to take away the trial by jury, for the purpose of increasing the power of the magistrates. My objections to the Bill are insurmountable; in fact, on looking over the Bill, I find it full of objections.

I shall therefore give my vote for reading the Bill a second time this day six months.

Mr. H. A. AGLIONBY.—As I believe that, notwithstanding the concession of the Honourable Baronet, it is intended to take a division on the second reading; and as so much has been said about the value of trial by jury, I cannot, consistently with my duty, give a silent vote on the question. No man regards the privilege of trial by jury more than I do; but there are some cases in which, in my opinion, that privilege could with advantage be dispensed with. There are two objections against the Bill: first, that it will abrogate the trial by jury; and, second, that it will greatly enhance the expenses of the various counties. I do not hold either of those objections to be valid. With respect to trial by jury, much as I value it, I think there are cases in which, however good it may be in theory, in practice, it would be detrimental; and in which it would be much better, as in the case of juvenile offenders, to exercise summary jurisdiction, and thus to keep them from the pollution of gaols. Although not having the honour of a seat on the bench of magistrates, I have had much experience of these matters during my professional attendance at quarter sessions; and I have often seen persons, for the theft of a few peats, consigned to a gaol, merely that they might benefit by this boasted palladium of trial by jury. Now this Bill, instead of consigning such criminals to gaol, will give them immediate trial and summary punishment. As to the expense, it will chiefly fall on the wealthy classes, who are the best able to bear it. For these reasons I shall give my vote for the second reading.

Mr. PRYME.—My Honourable Friend the Member for Cockermouth has praised the Bill of the Honourable Baronet the Member for Warwickshire, as keeping juvenile offenders from the contamination of gaols. As far as I can see, the Bill has no such object.

SIR E. WILMOT. — May I ask, has the Honourable Member read the Bill? He certainly cannot have read it.

The SPEAKER. — Order, order!

Mr. A. WHITE. — I shall vote for the second reading of this Bill; and I can assure the House that the bench of magistrates with whom I have the honour to act have often regretted the absence of a power of summary jurisdiction in cases of juvenile offenders.

Mr. PRYME. — One word, in answer to the assertion of the Honourable Baronet. I find in his Bill the words "common gaol or penitentiary."

Amendment proposed, to leave out the word "now," and at the end of the question to add the words, "on this day six months." Question put, "That the words proposed to be left out stand part of the question."

The House then divided: — Ayes 49, Noes 16; Majority 33.

AYES.

Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Bailey, J.
Baines, E.
Barrington, Ld. Visct.
Bentinck, Lord G.
Bewes, T.
Blake, M. J.
Blennerhassett, A.
Bowes, J.
Bridgeman, H.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Crompton, Sir S.
Douglas, Sir C. E.
Dugdale, W. S.
Dunbar, G.
Easton, R. J.
Farnham, E. B.
Hayter, W. G.
Hinde, J. H.
Holmes, Hon. W. A'Court
Hurt, F.
Jones, J.
Litton, E.
Lowther, J. H.
Miles, W.
Miles, P. W. S.
Morris, D.
Packe, C. W.
Rolleston, L.
Rundle, J.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Sheppard, T.
Stanley, E.
Sutton, Hn. J. H. T. M.
Thornely, T.
Townley, R. J.
Waddington, H. S.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wood, Sir M.
Wood, B.

Tellers.
Sanford, E. A.
Wilmot, Sir J. E.

NOES.

Barnard, E. G.
Barneby, J.
Callaghan, D.
Corbally, M. E.
Darby, G.
Egerton, W. T.
Fielden, J.
Fort, J.
Hector, C. J.
Henniker, Lord
Pryme, G.
Salwey, Colonel
Turner, E.
Vigors, N. A.
Williams, W.
Wood, Colonel

Tellers.
Johnson, General
Strickland, Sir G.

Main question put, and agreed to.

Bill read a second time, and committed to a Select Committee.

VAGRANTS' REMOVAL BILL.

Reported; to be read a third time on Friday.

SUPPLY. — WAYS AND MEANS.

Committees deferred till Friday.

SALE OF BEER ACTS.

Mr. SANFORD. — I move that the resolutions of the Committee on the Sale of Beer Acts be now reported to the House.

Mr. WARBURTON. — I must express my disapprobation at the mode in which these resolutions were adopted. The House went into Committee on the Bill at one o'clock on Friday morning, when there were only ten Members present; and, moreover, there was no notice of the Committee on the Vote Paper of that day.

Mr. SANFORD. — I must make one observation, in justice to my Honourable Friend the Member for Droitwich. The fact is, with respect to what the Honourable Member for Bridport has stated, that the Order of the Day for the Bill was on Friday last a dropped order; and the Honourable Member for Droitwich merely exercised his right in having its consideration resumed, with the consent of the House. If the Honourable Member for Bridport will allow the Report to be now brought up, I will answer, on behalf of my Honourable Friend the Member for Droitwich, that there will be ample notice given of the second reading.

Mr. WARBURTON. — After what the Honourable Member has said, I do not think it necessary further to oppose the bringing up of the Report.

COLONEL WOOD. — I do not wish to oppose the Bill in its present stage; but when it goes into Committee, I shall move the insertion of a clause prohibiting the granting of any new licences for the next three years, and I shall also attempt to apply to it the 47th clause of the Metropolitan Police Act, relative to the opening of alehouses on Sundays.

Resolutions reported: —

1. That the annual duty of 3*l.* 3*s.*, now payable upon every excise licence to be taken out by any person for selling, by retail, beer to be drunk or consumed upon the premises where sold, shall cease, and that in lieu thereof there shall be paid an annual excise duty of 5*l.*;

2. That it is expedient to alter and amend the laws relating to the sale of beer.

Resolutions agreed to. Bill ordered to be brought in by Mr. Pakington and Mr. Sanford.

INLAND WAREHOUSING BILL.

Second reading deferred till Friday.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Petition from the town of Galway, for expunging the eighth section of the Bill, and placing the town of Galway in Schedule A. — To lie on the table.

PAPERS, RETURNS, &c.

Wheat. — Account presented — of the weekly returns of wheat made to the inspectors in certain towns, in 1838 and 1839 (ordered 17th January). — To lie on the table.

Newspaper Stamps and Advertisements. — Account presented — of stamps issued to newspapers, and of duty received; also, of advertisements and duty thereon (ordered 30th January). — To lie on the table.

Civil List Pensions. — Return presented — of pensions on the Civil List granted since 1st February, 1828 (ordered 18th February). — To lie on the table, and to be printed.

Trinidad. — Copy presented — of a circular despatch addressed by Lord John Russell to the Governors of the West India colonies, transmitting an order of Her Majesty in Council, relative to immigration into Trinidad (Address 25th February). — To lie on the table, and to be printed.

Jamaica. — On the motion of Sir H. Hardinge, copies ordered —

Of any correspondence, reports, and estimates that may have taken place between the Secretary at War, the Board of Treasury, the Master General of the Ordnance, the Governor of Jamaica, or any other departments, on the subject of temporary barracks at Maroon Town, Jamaica, from the 1st day of January, 1838, up to the 1st day of January, 1840.

Copper and Tin. — On the motion of Mr. Pendarves, accounts ordered —

Of all copper imported into the United Kingdom in the year ending the 5th day of January, 1840; distinguishing each sort of copper, from what country, and into what ports imported:

Of the quanties of copper exported from the United Kingdom in the year ending the 5th day of January, 1840; distinguishing each sort, from what port sent, and to what country exported:

Of the quantities of copper exported from the port of London in the year ending the 5th day of January, 1840; distinguishing each sort, and to what country exported:

Of the quantities of copper exported from the port of Liverpool in the year ending the 5th day of January, 1840; distinguishing each sort, and to what country exported:

Of all copper ore that has been imported into the United Kingdom, without payment of duty, for the purpose of exportation, in the year ending the 5th day of January, 1840.

Tin.—On the motion of Mr. Pendarves, account ordered—

Of all tin imported into the United Kingdom in the year ending the 5th day of January, 1840; distinguishing from what countries imported:

Also, an account of all tin exported from the United Kingdom in the year ending the 5th of January, 1840; distinguishing to what countries exported.

Registrars of Deeds (Middlesex).—On the motion of Mr. Hayter, Returns ordered—

(In continuation of the Return made on the 26th day of April, 1825), of the amount of fees received by the registrars of the Register Office for Deeds, in Middlesex, in each year from 1824 to the present time; stating, also, the rate of fees actually demanded and taken for the registry of memorials of deeds, and the authority under which such fees are charged; and stating the application of such fees, distinguishing the amount paid for the expenses of the office, the amount paid to the deputy registrars, and the amount paid to the registrars; stating, also, the highest fee demanded and taken in each year for the registry of any one memorial, and the amount payable for the registry of such memorial, according to the rate allowed by the Act of Parliament establishing the registry:

Of the number of holydays (exclusive of Sundays) kept in each year, on which the office has been closed to the public, and a statement of the hours of public attendance at the office on each day, exclusive of holydays, and whether any and what duties are performed by the registrars in person:

Of the rate of fees actually demanded and taken for the registry of deeds during the years 1822, 1823, and 1824, stating the authority under which such fees were demanded;

Of the number of deeds and memorials relating to such deeds left at the Register Office during the several months of November and December, 1839, and when such deeds respectively were ready to be returned, and were returned to the parties leaving the same; and when such memorials were respectively entered in the books of the Register Office.

Wheat and Wheat Flour.—Return (presented 24th February).—To be printed.

Fleetwood Port.—Return (presented 24th February).—To be printed.

Duchy of Lancaster.—Account (presented 24th February).—To be printed.

Duchy of Cornwall.—Account (presented 14th February).—To be printed.

Murderers.—Return (presented 17th February).—To be printed.

Executions.—Return (presented 17th February).—To be printed.

Adjourned at seven o'clock.

HOUSE OF LORDS, Jovis, 27° die Februarii, 1840.

APPEALS.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company. — Further and fully heard, and consideration adjourned to Monday next.

Gibson *v.* Ross. — Adjourned to Monday next.

Countess of Dalhousie *v.* M'Dowal. — To be heard on Monday next.

Sir N. M. Lockhart, Bart. *v.* Macdonald (or Moreton).—Leave for a recognisance to be entered into for the appellant.

Sir N. M. Lockhart, Bart. *v.* Macdonald (or Moreton). — Joint petition of the appellant and respondent for leave to lodge a supplemental case. — Read, and ordered as prayed.

Gardner *v.* Scott. — Appeal presented, and respondent ordered to answer in four weeks.

LORD DUFFERIN AND CLANEBOYE.

Petition of, claiming a right to vote at the elections of representative Peers for Ireland. — Read, and referred to the Committee for Privileges.

FREDERICK SCHULTZE, LUDWIG LEOPOLD HAUSBURG, WILHELM BERNARD PROMOLI.

Bills for naturalising, were (on petitions) presented, and read a first time.

WOLVERHAMPTON CHAPEL BILL.

Brought from the Commons, and read a first time.

JONATHAN WARR.

A Bill to dissolve the marriage of Jonathan Warr, with Betty his now wife, and to enable him to marry again, and for other purposes therein mentioned. — Presented (on petition), and copy of proceedings in Ecclesiastical Court delivered (on oath). — Bill read a first time, and ordered to be read a second time on Friday, the 13th of March next; and the Lords summoned, and the usual orders made.

EARL OF DYSART'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

The Lord Penshurst sworn at the table by the Lord Chancellor, to give evidence before the Committee for Privileges.

THE QUEEN'S ANSWERS TO ADDRESSES OF FRIDAY AND TUESDAY LAST.

Reported.

SUPPLY OF WATER TO THE METROPOLIS.

Lord Redesdale presented petitions of the corporation of the governor and company of Chelsea Waterworks, and of the company of proprietors of the West Middlesex Waterworks, praying to be heard by their agents and witnesses respecting the supply of water to the metropolis. — Read, and referred to the Select Committee on the Supply of Water to the Metropolis.

CHURCH EXTENSION.

The Bishop of Llandaff and the Bishop of Ely presented petitions in favour of, — of inhabitants of Clifton; Muchelney; and Whittington.

SCOTCH CHURCH PATRONAGE.

The Marquess of Bute, the Duke of Argyll, the Earl of Aberdeen, and the Earl of Galloway presented petitions in favour of the principle of non-intrusion,

—of ministers and elders of Union parish, Aberdeen; of the presbytery of Fordyce; of heritors, elders, and inhabitants of parish of Cardross; of members and friends of the Church of Scotland resident in Union parish, Aberdeen; of members of the Church of Scotland within the parish of Midmar; of the moderator and members of the Kirk Session of the East parish of Aberdeen; of inhabitants of Helensburgh; Closeburn; Kilmorie; Marytown; Torthorwald; Monivaird and Strowan; Forgan; Kingussie; Alva; Poolewe; Murroes; Inverarity; Friockheim; Dundee; Paisley; Longside; Castle Douglas and Kelton; Ferry Port on Craig; Bon-Accord; Farnell; Saint Clements; West Kilbryde; and Carnoustic; and of female inhabitants of Gargunnock.

The EARL of GALLOWAY (on presenting the petition from Castle Douglas) said: — The petitioners represent that the necessity for the intervention of the Legislature is imperative; and they pray that the subject may be brought under the immediate consideration of Parliament. As I am instructed, the petition is not only numerously, but very generally, signed by the various denominations of persons residing within the district. I do not wish, in the present critical juncture of the affairs of the Church of Scotland, to give a premature opinion on this important question; but, as, when the Noble Earl on the bench behind me put a question to Her Majesty's Ministers the other day, with the view of eliciting the intententions of the Government in respect of it, the answer of the Noble Viscount did not appear to me to be very cordially given, nor to carry with it the promise of a speedy issue, I feel myself compelled to state to the House, for myself,—and I believe I may state as much for every Noble Lord connected with Scotland, — that not a day passes that we do not receive the most distressing representations of the fearful agitation of the public mind, in the sister kingdom, on this all-engrossing topic. I have been informed that a deputation from the General Assembly has come up to London, and has been conferring with the Government. I do not know whether or not my information be correct — I hope it may be. At any rate, I feel it my duty earnestly to entreat the Noble Viscount, as he values the peace and good order of society in Scotland, and much more, as he values the religious interests and welfare of the people,—I entreat him not to allow another month to pass over without using his best exertions to bring this matter to a settlement. I hope he will not be deterred by the impossibility of passing a measure which shall be satisfactory to all parties; but that he will bend his mind to the subject in such a way as to commend it to the well-intentioned and enlightened portion of the community.

BEER ACT.

Lord Portman presented a petition for alteration, — of guardians of the Clutton union.

CORN LAWS.

Petition against alteration of,—of owners and occupiers of land in Hailsham.

POOR LAWS ACT.

Lord Ellenborough presented a petition for alteration of, as to rating workhouses, — of the board of guardians of the Gloucester union.

The foregoing petitions were severally read, and ordered to lie on the table.

FROST, WILLIAMS, AND JONES.

Lord Teynham presented petitions praying that this House will present an Address to Her Majesty for the pardon of said convicts, — of inhabitants of London and Westminster and Finsbury, and of persons signing (three petitions). — Read, and ordered to lie on the table. And a petition of the inhabitants of Kingston upon Hull, in public meeting assembled. — Read, and ordered to be received as the Petition of John Peck (chairman), who, only, has signed it.

Also, petitions for commutation of the sentence passed upon them, — of inhabitants of Cheddington and Chorley.

LORD TEYNHAM (on presenting these petitions) said: — Having heard the lucid exposition of the objection taken by the counsel for those unfortunate men at the time of their trial, by a Noble and Learned Lord not now in his place, I confess I come to the conclusion that they ought to have received a free pardon. The first of these petitions is signed by 1927 individuals. That from Cheddington, which prays only for a commutation of the sentence, is signed by agricultural labourers, who state their complete conviction, that the time has arrived when it will be necessary for this House, for its own safety and security, to consider the present situation of the labourers — particularly the agricultural labourers—of this country, for the purpose of improving and amending their condition.

SELECT COMMITTEE ON THE PETITION OF THE EAST INDIA COMPANY FOR RELIEF.

Several witnesses ordered to attend.

Message to the Commons for William Crawford, Esquire (a Member), to attend.

PAPERS, &c.

Return of the different ports of the United Kingdom having bonding warehouses; distinguishing such as have only limited privilege of bonding, and stating the nature of such limitations.—Delivered (pursuant to order of the 6th instant), and to be printed.

Return of all agreements for the commutation of tithes, which have been confirmed by the Tithe Commissioners, to the 1st day of January, 1840; specifying in each case the amount of rent-charge agreed to be paid in lieu of tithe to the clerical incumbent, as well as the gross amount of tithe or composition which may, by the Tithe Commissioners, have been ascertained to have been received by such incumbent, on the average of the seven years previous to Christmas, 1835. Also,

Return of the sums which in each case have been added to the rent-charge, as an equivalent for rates and taxes theretofore paid by the tithe-payers; also specifying the comparison of rent-charge, with the aggregate amount of tithes or composition and rates; also specifying the acreage and value of the glebe; and also specifying the county, parish, &c., and tithe owner.

Ordered to be laid before the House (the Lord Portman).

Return of the counties and divisions of counties that have established a rural constabulary force, in pursuance of the Act of last Session, and the extent to which they have adopted it. — Delivered (pursuant to Address of 7th instant), and to be printed.

CHURCH BUILDING ACTS AMENDMENT BILL.

Second reading (which stood appointed for this day) put off to Monday next.

FRIVOLOUS SUITS ACT AMENDMENT BILL.

Second reading (which stood appointed for this day) put off *sine die*.

RATED INHABITANTS EVIDENCE BILL.

Read a second time (according to order), and committed to a Committee of the whole House.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Birmingham and Warwick Junction (Bordesley) Canal Bill, — "For making and maintaining a navigable Cut or Canal, commencing, by a Junction with the Warwick and Birmingham Canal, in the Hamlet of Bordesley, in the Parish of Aston juxta Birmingham, in the County of Warwick, and terminating, by a Junction with the Birmingham Canal Navigations, near Salford Bridge, in the same Parish." — Presented, and read a first time; to be read a second time.

Wolverhampton Chapel Bill. — Read a third time, and passed.

Clackmannan and Perthshire Roads. — Petition for Bill reported, and Bill ordered to be brought in by ADMIRAL ADAM and LORD DALMENY.

Ochil (Clackmannanshire) Roads. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Swingfield Minnis Inclosure.—Petition for Bill reported, and Bill ordered to be brought in by MR. LAW HODGES and SIR EDWARD KNATCHBULL.

Portsmouth Floating Bridge. — Petition for Bill reported, and Bill ordered to be brought in by MR. CHANCELLOR OF THE EXCHEQUER and SIR GEORGE STAUNTON.

Liverpool Court of Requests.—Petition for Bill reported, and Bill ordered to be brought in by LORD VISCOUNT SANDON and MR. CRESSWELL.

Kingston upon Hull Docks Bill, — "For providing a Dock, and other Works connected therewith, in addition to the Docks already established at the Port of Kingston upon Hull; and for amending the Acts relating to such last-mentioned Docks." — Presented, and read a first time; to be read a second time.

Roxburgh and Selkirk Roads Bill, — "For further and more effectually repairing and maintaining several Turnpike Roads in the Counties of Roxburgh and Selkirk." — Presented, and read a first time; to be read a second time.

General Steam Navigation Company Bill, — "To amend and explain some of the Provisions of the Acts relating to the General Steam Navigation Company." — Presented, and read a first time; to be read a second time.

Winchester Cemetery Bill,—Reported; amendments agreed to; other amendments made; Bill to be ingrossed.

South Eastern Railway Deviation. — Petitions in favour of the application, — from William Deedes, Esquire; John Kingsnorth; and the Rev. William Brockman and others. — To lie on the table.

Taunton Roads. — Petition of inhabitants of Wellington, against the application. — To lie on the table.

Warminster Roads Bill. — Petitions against,— from members of the board for the repair of highways in Warminster, and others; and mortgagees of the tolls on the Warminster roads, and others.— Referred to the Committee on the Bill; counsel ordered.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Corn Laws, — By MR. GREG, MR. BROTHERTON, MR. M. PHILIPS, MR. E. BULLER, MR. ELLIOT, MR. EWART, and MR. HUME, for repeal, — from Manchester; Droylsden; Great Harwood; Selkirk; Grange Mill, &c.; Barton; Fenton; Clayton le Moors; Bridge Rule; and Wigan.

By MR. DERBY, against repeal, — from Hailsham and Rotherfield.

Municipal Corporations (Ireland) Bill, — By MR. LITTON, against,—from corporation of tailors of Dublin; and Earls Barton.

Newport Riots, — By Mr. Raikes Currie, — from Northampton, for free pardon of Frost, Williams, and Jones.

Church of Scotland, — By Captain Wemyss, for settlement of the law, — from Stanley; Monivaird and Strowan; Torryburn; Forgan; Lanark presbytery; Alva; Friockheim; Inverarity; Ferry port on Craig; Renton; Blair; Gowrie; Crief; Murroes; Glenelg; Marytown; Glencairn; Kirriemuir (two petitions); Strathkinness; Fordyce presbytery (moderator); Carnoustie; Milnathort; and Galway.

Workhouses, — By Lord Granville Somerset,—from Gloucester union,—for exempting workhouses from taxation.

Church of England, — By General Lygon, Mr. Derby, Sir C. B. Vere, Mr. Christopher, and Mr. Slaney, for extension, — from Boulge with Debach; Old Newton; Badingham; Framsden; Higham; Ipswich (three petitions); Northwood; Bacton; Ellough and Great Redisham; Sproughton; Playford; Wanford and Henham; Shelley; Hollesley; Bristol; Streat; Buxted; Deanery of Coringham; Slaugham; Binstead; Eldersfield; Wadhurst; and Welshpool.

Church Rates, — By Mr. Ainsworth, Mr. Baines, and Mr. E. Buller, for abolition,—from Horwich; Tutbury; Yelvertoft; and Colchester.

Ecclesiastical Courts, — By Mr. T. Duncombe, — of Hannibal C. Millet, for abolition.

Printed Papers, — By Mr. Hodges, — from Maidstone, in support of the privileges of the House.

Municipal Corporations Act, —By Mr. Baines, for amendment, — from Berwick upon Tweed, and Leeds.

Maynooth College, — By Mr. Blair, against further grant, — from Earls Barton; and chairman of the Edinburgh Protestant Association.

Elective Franchise, *&c.* (*Ireland*), — By Sir Charles Style, — from Donoughmore, for extension of the franchise, and municipal reform.

Short-hand Writer,—By Mr. Leader, of James Henry Lewis,—for inquiry into the office of short-hand writer.

Copyright Bill, — By Mr. Hume, — from Shoreditch, against.

Railways, — By Lord Granville Somerset, for free competition, — from common carriers; and Chichester. — Referred to the Select Committee on Railway Communication.

Juvenile Offenders Bill, — By Lord Sandon,—from Liverpool,—against.—Referred to the Select Committee on the Bill.

Tithe Commutation Acts Amendment Bill, — By Sir R. Inglis, — of Archdeacon of the diocese of Canterbury, against. — Referred to the Select Committee on the Bill.

PRIVATE BILL NOTICES.

Mr. FOX MAULE. — Sir, I have now a petition to present, for which I beg a moment's attention from the House, while I state shortly the circumstances to which it refers. The petitioner, Francis Watts, who is printer and superintendent of the *London Gazette*, states, that by the Order of the House, several notices concerning Private Bills are required to be inserted in the *Gazette*. He alleges, that the practice of the parties concerned is, generally, to delay the insertion of these until the last moment. He goes on to state, that the number of notices required to be printed by him is very considerable; and that, since the consequence of a single error in printing a proper name would be fatal to a Bill, the responsibility devolving on him is very considerable. He prays the House to take his case into consideration, and to permit a space of three days at least to elapse between the receipt of the notice, at his office, and the publication.

Petition referred to the Committee on Private Business.

PAPERS, &c.

Postage (*Poor Law Commission*). — On the motion of Mr. Barneby, — Returns ordered —

Of the total amount of expenses incurred by the boards of guardians in England and Wales for correspondence with the Poor Law Commissioners, or assistant Commissioners, between the 10th day of January and the 20th day of February, 1840:

Of copies of any orders or circulars sent by the Poor Law Commissioners to the boards of guardians in England and Wales relative to the postage of letters:

Of copies of any answers or resolutions received from the boards of guardians relative to the same.

Letters Patent. — On the motion of Sir Robert Peel, — Address for —

Returns of the cases, if any, in which the Judicial Committee of the Privy Council has reported to Her Majesty upon the petition of any person having obtained letters patent, and presenting such petition for the exercise of the power given to Her Majesty under the second section of the Act 5 & 6 Will. IV. c. 83.; together with the Report of the result of such petitions:

Of the cases in which applications have been made for the prolongation of the term of any patent, and have been referred to the Judicial Committee of the Privy Council, under the fourth section of the Act above mentioned; together with the result of such applications.

CONTROVERTED ELECTIONS.

Mr. ORD. — Sir, I beg to lay before the House the Report I hold in my hand, agreed to by the General Committee of Elections, of which I have the honour to be chairman. The necessity for this Report has arisen in consequence of a difficulty which has occurred in considering the Ludlow election petition. Owing to the proper notice not having been duly served on the parties petitioning against the return, those parties have not been able to comply with the Act of Parliament; and they having petitioned the Committee, stating certain causes for such irregularity, we have thought it necessary to make this Report; which I now move may be read by the clerk at the table, and printed with the Votes. I beg, also, to move that the petition of G. Cooper and others be referred to the General Committee on elections.

The Report was then brought up, and read, as follows: —

Report from General Committee of Elections.

Mr. Ord reported from the General Committee of Elections, that a difficulty has arisen in the case of the Ludlow election petition, in consequence of the notices required by the Act (2 & 3 Vic. c. 38.) having been served on Thomas Alcock, Esquire, instead of on the parties who, it appears, were, in the last Session of Parliament, admitted to defend the return.

That the Committee find, on referring to the Journals of the last Session, that, on the 8th day of July last, Mr. Speaker acquainted the House that he had received a letter from Thomas Alcock, Esquire, who was returned a burgess to serve in this present Parliament for the borough of Ludlow, stating that he, the said Thomas Alcock, did not intend to defend his return for the said borough; and that, upon the 10th day of July, a petition from George Hooper, John Nash, and William Downes, of Ludlow, was presented, praying to be admitted as parties to defend the election and return of the said Thomas Alcock, Esquire; and that the House ordered that the petitioners be admitted parties, in the room of the said Thomas Alcock, Esquire.

That, by the 48th section of the Act, "Notices are directed to be given to all the parties petitioning, and to the sitting Member or Members, and to any parties who may have petitioned to be permitted to defend the election or return, and whose petition shall have been referred to the General Committee."

That the petition of George Hooper and others has not yet been referred by the House to the Committee; and the Committee, not being aware of the existence of that petition at the time when they appointed the day for choosing the Select Committee to try the Ludlow election petition, directed the notices to be served on Thomas Alcock, Esquire, as the sitting Member, and the parties petitioning against the return.

That the Committee having appointed the 12th day of March for choosing the Select Committee to try the Ludlow election petition, and the 47th section of the Act requiring that three weeks' notice should be given to the several parties entitled thereto, it will be necessary for the Committee (in case the House should think fit to refer to them the said petition of George Hooper and others) to appoint another and more distant day, in lieu of the day originally appointed for choosing the Select Committe to try the Ludlow petition, in order that the proper notices may be given; and the 52d section of the Act, directing that the General Committee should not in any case proceed to choose a Committee to try any election petition, until they shall have chosen a Committee to try every other election petition standing higher in the list prepared by them, in conformity with the provisions of the 30th section of the Act; it will be further necessary that a corresponding change should be made in the days which have been appointed for choosing Select Committees to try the election petitions standing in the Committee's list, after the Ludlow election petition.

That, under these circumstances, the Committee recommend that the petition of George Hooper and others should be referred to them by the House; and that the order of the House for the attendance of Panel 1. on the 12th of March, and Panel 2. on the 16th of March, be discharged, in order that the succeeding panel or panels may be summoned for the days which it will now be the duty of the Committee to appoint.

SIR G. CLERK. — Sir, I rise to express my concurrence in this motion. I perfectly agree with the Honourable Member for Newcastle, that the Report should be printed, and the subject brought under the consideration of the House to-morrow. But, feeling great anxiety for the success of the new Act for deciding controverted elections, I wish to call the attention of the House to some other irregularities which have taken place in serving the notices on the Ludlow election petition. I understand that this Report refers only to no notice having been served on those who appear in support of the sitting Member. But I believe that no notice has been served on the electors who originally petitioned against the return. If I have been correctly informed, the messengers, instead of delivering the notices to the persons who petitioned against the return, left them with the agent of the sitting Member. I wish to have this matter explained; and therefore I shall move that, to-morrow, Mr. Rose, the clerk attending the General Committee on Elections, Stein, the messenger, and Poingdestre, the assistant messenger, be called to the bar of the House to explain how it was that the notices were not served on the proper parties.

Report to be taken into consideration to-morrow, and to be printed.

Ordered, that Mr. John Rose, Mr. Stein, and Mr. Poingdestre do attend the House to-morrow.

TAXATION. — SALT DUTIES.

COLONEL SIBTHORP. — As I see the Right Honourable the Chancellor of the Exchequer in his place, I will take this opportunity of calling his attention to a report on a matter which I think is one of great importance; and, as much anxiety prevails in the public mind upon it, the Right Honourable Gentleman, I trust, will not refuse to make such a statement as may tend to relieve that anxiety; I allude to the intention of the Government, if report speak truly, to lay a tax upon salt. I wish to ask, first, if that be true? In the next place, although the Right Honourable Gentleman may not be disposed to permit me to dive into the arcana of the national Budget, perhaps I shall be allowed to ask when the financial statement for this year will be made?

The CHANCELLOR of the EXCHEQUER. — I am sure that the House will at once see the impropriety of my giving an answer to the first question put by the Honourable and Gallant Member. With regard to the Budget, I can assure the Honourable and Gallant Member that I am as anxious as he can be that the financial statement should be made as soon after the expiration of the financial year as possible.

NEW WRIT FOR PERTHSHIRE.

SIR G. CLERK. — I am anxious to call the attention of the House to a matter which is important, because it is connected with the exercise of our privileges. It will be recollected that on Friday evening last, the Speaker was directed to issue his warrant for a new writ for the election of a Knight of the Shire to serve in Parliament for Perthshire, in the room of Viscount Stormont, who has succeeded to the title of Viscount Stormont, in the peerage of Scotland. I believe that a writ was issued from the Crown Office, and despatched that evening to Perthshire, which was not in conformity with the order of the House, directing, as it did, the election of a Member for Perthshire, in the room of Viscount Stormont, who had been called up to the House of Peers as the Earl of Mansfield. In the course of the same evening, the error was discovered, and a second writ was despatched by the mail, on Saturday morning, in conformity with the rules of the House. As election writs are not issued by any officer under the authority of the House, but of the Crown; as the orders of the House ought to be strictly executed; and as this has been the first instance, I believe, in which such an error has been committed, I shall now move that the Deputy Clerk of the Crown be ordered to attend at the bar of the House to-morrow, for the purpose of explaining how this error has arisen.

On the question being put, —

MR. FOX MAULE said: — From the part I have taken in issuing the writ, I feel bound to say that I approve of the course pursued by the Honourable Baronet on this question. No doubt, an error was committed, on the occasion in question; — in fact, it is publicly known that two writs were issued. But the Clerk of the Crown will, unquestionably, be able to explain how the mistake occurred. I know nothing beyond what I have gathered from a statement made by the clerk himself. I have, therefore, no objection to make to the motion of the Right Honourable Baronet, but will, on the contrary, second it.

Ordered, that the Deputy Clerk of the Crown do attend this House to-morrow.

JUVENILE OFFENDERS BILL.

SIR E. WILMOT. — I wish to ask the Under Secretary of the Home Office a question. I yesterday assented to a proposition made by that Honourable Gentleman, — that the Juvenile Offenders Bill which I had brought in, should go to a Committee up-stairs. As it is an important measure, I wish to know whether the Government will take it into their own hands, and appoint their own Committee, in order to investigate the subject? If so, both myself and several other Gentlemen, I believe, will most willingly lend the Government every assistance to make the measure useful and advantageous to the public.

Mr. FOX MAULE. — Sir, as the Honourable Baronet has not given me any intimation that he intended to put this question, I am unable to give an answer to it at present. The measure is one replete with difficulties; and it will require some grave deliberation before any decision can be come to by the Government, as to whether they will undertake it or not.

HILL COOLIES.

SIR E. WILMOT. — I beg to ask the Noble Lord the Secretary for the Colonies on what day he intends to bring under the consideration of the House the subject of the emigration of Hill Coolies to the West Indies?

LORD JOHN RUSSELL. — I am not at present prepared to name any day; but I will take care that due notice of it shall be given. With respect to the Bill, to which the Honourable Baronet has just now adverted, I wish to know whether the Honourable Baronet means that the Government should take charge of that particular Bill, or that they should direct their attention to the whole subject?

SIR E. WILMOT. — My meaning was, that the Government should take up the whole question, with a view to legislate upon it effectively; and, knowing how often it has been under the notice of the Government in various ways, I cannot but express a hope that it will receive attention in that quarter.

POST OFFICE.

Mr. PRYME. — I wish to ask a question of the Chancellor of the Exchequer concerning the present Post Office regulations. At present, a prepaid letter, on arriving at a post office town, and being re-directed forwards, is charged with double postage. I wish to ask whether that is consistent with the new regulations?

The CHANCELLOR of the EXCHEQUER. — Directions have been already issued that, in such cases, the charge should be 1*d*. only; an arrangement which will be an advantage to the Post Office; for it will save much trouble in sorting letters.

THE CENSUS.

An HONOURABLE MEMBER. — Sir, as ten years have now elapsed since a census of the population has been taken, I wish to ask whether it is the intention of Her Majesty's Government to have one taken this year?

Mr. FOX MAULE. — I believe that it is the intention of Government to have a census taken this year.

CONTRACTS FOR PAPER.

SIR M. WOOD. — Sir, some few weeks ago Government advertised a contract for 24,000 reams of paper. Several persons have sent in tenders, but no reply has been yet given to them. I wish to ask the Right Honourable the Chancellor of the Exchequer, when it is likely that answers will be sent to these tenders?

The CHANCELLOR of the EXCHEQUER. — The tenders have been sent into the Excise Office, but the chairman of the Board of Excise has referred some points to the consideration of the Treasury. This has caused the delay. I believe, however, that the tenders will be answered in a day or two.

COURT OF COMMON PLEAS.

Mr. EWART. — I wish, now, to call the attention of the House to a subject of very great importance. The subject to which I allude is, the exclusive power now possessed by the serjeants-at-law of practising in the Court of Common Pleas, while they share in common with the entire bar the practice of the other courts. This is an evil which had attracted attention so long ago as the time of Lord Chief Justice Coke, who said, that the binding up of the Court of Common Pleas to the serjeants was a great disadvantage to the public. In the reign of George II., in the year 1755, a Bill was introduced into this House, the object of which was to do away with the exclusive privileges of serjeants-at-law; but from circumstances which I need not repeat, that Bill was not passed. In the year 1829, a Commission was appointed under the authority of the Right Honourable Baronet the Member for Tamworth, which Commission made a Report and recommended certain alterations. But their recommendations were not acted upon; and nothing more was done, in relation to this subject, until the year 1834, when, at the suggestion of Lord Brougham, who was then Lord Chancellor, a Royal warrant was issued, freely opening the Court of Common Pleas to the bar in general; and from the date of that warrant, in 1834, to the end of last year, the court has continued an open court to all the bar. A case, however, was subsequently brought before the Lord Chief Justice of the Court of Common Pleas, by which he was called upon to decide whether, by law, the serjeants were possessed of the exclusive privilege which was claimed for them, or not. The decision of the court was, that the serjeants did possess the privilege; and since that time the court has been closed against the bar in general, to the same extent as before, leaving the exclusive privilege in the hands of the serjeants. The object I have in view, in moving for these Returns, is, to show what has been the effect of opening the Court of Common Pleas to the bar, and what also has been the effect of closing it; to show what has been the effect with respect to the feeling of the bar, and what it is with respect to the interests of the public. I cannot conceive any ground upon which this motion will be opposed. I do not see my Honourable and Learned Friend the Solicitor General in his place; but I cannot suppose — serjeant though the Honourable and Learned Gentleman is — that he would oppose the motion. The Honourable and Learned Gentleman has lately stood up for the privileges of the House, for the sake of the public interest; and therefore I cannot think he will now advocate the exclusive privileges of the law serjeants against the public interest. I beg, Sir, to move an Address for the following Returns: —

An Address for "copy of the warrant of his late Majesty King William the Fourth, under which the Court of Common Pleas was opened to King's counsel and outer barristers, and which was published in that court on the 25th day of April, 1834:

"Of the number of actions commenced in the Courts of Queen's Bench, Exchequer, and Common Pleas, respectively, each year, for the period of five years, prior to the publication of the said warrant, and five years subsequent thereto:

"Of the date at which the Court of Common Pleas gave its judgment, determining no longer to hear Queen's counsel and outer barristers; but to restore an exclusive privilege to the serjeants:

"Of the number of causes and rules standing for argument in the said courts respectively, in the special paper, new trial paper, peremptory paper, or paper for enlarged rules, Crown paper, and other papers, if any, kept in the said courts for the entry of arrears, on the first day of each term within the same period:

"Of the number of days after each term appointed by the said courts respectively for sitting, under the provisions of the Act 1 and 2 Vic. c. 32.:

"Of the number of causes, distinguishing between special jury and common jury causes, standing for trial at *Nisi Prius*, in each of the said courts, in London and Middlesex, on the first day of each sitting, within the same period:

"Of the number of summonses taken out at the chamber of the judges of the Court of Common Pleas, in the months of January and February, respectively, 1839."

Question put, and agreed to. Returns ordered.

POST OFFICE.

Mr. WALLACE. — Sir, I wish to call the attention of the House to a subject which is of much importance to the small community to which it relates. The House will recollect that a petition upon this subject was presented, a short time since, from the parish of Bowden, in the county of Roxburgh, complaining that the inhabitants had, at the time, neither post office nor post. These inhabitants have expressed their willingness to defray the expenses of a post office in their own part of the country, if the Postmaster General would appoint a person to that situation. I do not wish, however, by this motion, to cast any blame on the Postmaster General. I am quite aware that the Post Office has recently been put to a great deal of trouble by the new regulations; but when the immediate difficulties of these fresh arrangements have passed away, I am sure that the Postmaster General himself will see the necessity of making a total change in the management of the country post offices. But, Sir, although the case I am bringing under your notice is a hard one, being that of a community of 1200 persons without a post office, I have been lately surprised to find that it is not at all a singular one. I have recently received a letter from a gentleman in Leicestershire, describing the condition of that part of the country in which he lives, as regards post offices.

Between the towns of Leicester and Nottingham, of Melton Mowbray and Market Harborough, there is no immediate post office communication; they have coaches enough, but no direct post office communication; and there are many places in Kent and Essex, as well as in other parts of the country, which are similarly circumstanced. I feel perfectly satisfied that any improvement in this respect will greatly conduce to an improvement of the revenue derived from the Post Office; and I am equally certain that, in the present year, the deficiency in that revenue will not by any means be so great as the opponents of Post Office reform are disposed to anticipate. I do not believe that the deficiency will amount to anything like 1,200,000*l.* or 1,400,000*l.*; but, on the contrary, I feel perfectly convinced that it will not exceed 700,000*l.*; and that the subsequent improvement in that branch of the public income will fully repay the loss. The letters now passing through the Post Office are triple the number that passed previous to the alteration in the rates of postage; and in many places they have increased fivefold. In Newcastle they are now four times the number that they were; in Dublin they are threefold; and in various parts of Ireland three and fourfold. The Honourable Member for South Durham has stated to me that the increase in his district has been fourfold; and I have received communications from various parts of Scotland, stating the increase to be three and fourfold. I have been rather surprised to find that the increase has been less in the capitals of England and Ireland than in the surrounding districts of each country. I, of course, cannot account for this; but I feel that the new system cannot have fair play except there be plenty of post office accommodation given. At first, the new system cannot possibly give universal contentment; but I have confident hopes that the effect of the stamps proposed to be used will be to afford great public accommodation. The whole of the change made is one of immense importance to the community at large; and therefore we ought not unduly to complain of any deficiency which it may occasion; but the representatives of the people should look attentively to the means which are to be adopted for supplying that deficiency; and now, that they have taken a burden off the poor, they should not consent to a fresh burden being imposed in lieu thereof upon the same parties; they should rather make the rich pay the expense of the improvement. It occurs to me, that there are three modes in which the deficiency might be provided for: one is an equalised legacy duty, affecting real equally with personal property; the second, a fixed duty upon corn; and the third, a property tax. Without troubling the House with any further observation, I beg to move, "That it is the duty of the Postmaster General to afford all reasonable facilities and accommodation to communities who have not a post office or a post at present, especially to such as have a desire to send their letters openly and legally, and who shall apply to the Postmaster General for the usual means of doing so: — That the case of more than 1000 inhabitants in the parish of Bowden, in the county of Roxburgh, as represented in their petition to this House, is one of great hardship, and directly in point; therefore, that the prayer of the petitioners should be granted, by the Postmaster General affording to them similar post office accommodation to that enjoyed by their neighbours in the adjoining parishes."

On the question being put,—

The CHANCELLOR of the EXCHEQUER said: — I trust that my Honourable Friend will not feel offended if I decline to follow him through the whole of the observations which he has addressed to the House, and if I shall rather content myself with shortly stating the grounds upon which I think it my duty to oppose the resolution. When the arrangements for carrying the plan of penny postage into effect were about to be adopted, my Noble Friend the Postmaster General brought before me a statement of what might be done for the purpose of extending the system of the Post Office; and it cannot be denied that since then, as well as before that time, a considerable extension has been accomplished. In consequence, however, of the great increase of correspondence since the introduction of the new system, I took upon myself to direct that no steps should for some time be taken with any view to an extension of the Post Office department; and I recommended my Noble Friend to make no change, that could be avoided, till the pressure of the great transition to the penny postage should have, in some degree, abated. I admit that it is the duty of the Postmaster and of the Government to extend the system of the Post Office as widely as possible, not only as an accommodation to the public, but as a valuable source of revenue; yet still it must be felt that the present is not the proper moment to press the Government or the Post Office for any changes that can possibly be postponed; and I hope that my Honourable Friend the Member for Greenock will withdraw his motion.

Mr. LUCAS. — I presume that the principal object of the Honourable Member's motion is, that which stands first in order; but I am afraid that few Members are sufficiently acquainted with the locality alluded to, to be enabled to give an opinion upon it. I think that there would be great public advantage in the Government and the House having a map of the United Kingdom, displaying the Post Office accommodation, and the proportion which it bears to the wealth, population, and general circumstances of each district.

Mr. HUME. — I hope that, after the candid avowal of the Chancellor of the Exchequer, my Honourable Friend the Member for Greenock will not, under present circumstances, press his motion.

SIR R. PEEL. — I wish to take this opportunity of inquiring from the Right Honourable Gentleman opposite (the Chancellor of the Exchequer), when the House may expect to have laid before them the Returns relating to the Post Office, which were, some time ago, ordered? I wish, also, to know, how soon it is probable that stamped covers will come into general use?

The CHANCELLOR of the EXCHEQUER. — With regard to the last question, I regret that I am not in a position to say how soon it will be in the power of the Post Office to introduce stamped covers. It is intended, in the first instance, to limit their use to the twopenny post district; at all events, not to extend them beyond the local posts; so as to keep their operation within the immediate view and knowledge of my Noble Friend at the head of the Post Office; and after the experiment shall have been tried upon a small scale, it is proposed to effect its general adoption. Various difficulties have presented themselves in the course of the measures which have been taken with reference to the stamped covers; there have been some mechanical failures in carrying the designs into effect; and, owing to several causes, I fear that some time must elapse before they can be brought into general use.

SIR R. PEEL. — I presume that the Right Honourable Gentleman opposite means, by the twopenny post district, that which formerly was subjected to a twopenny rate, and that which now forms the London district?

The CHANCELLOR of the EXCHEQUER. — That was my meaning. The object with which it is proposed to limit it to that district is, for the purpose of having the working of the stamped plan as much as possible under the eye of the General Post Office. The Returns to which the Right Honourable Baronet the Member for Tamworth refers are in course of preparation; and I hope, before long, that it will be in my power to lay them on the table of the House.

Mr. WARBURTON. — If such be the Chancellor of the Exchequer's object, I would suggest that the best plan would be, to try the stamped covers first in the local districts of London, of Edinburgh, and of Dublin.

Mr. GOULBURN. — I think that all letters put into the London post office might be on stamped paper; not regulating them by the district to which they are to go, but the place at which they are posted.

The CHANCELLOR of the EXCHEQUER. — The two post offices — namely, the General Post Office, and that which was the twopenny post — are still kept distinct, though the rate of postage is the same in both.

Mr. HERRIES. — In my opinion, the stamp must be varied, otherwise we shall not be able to distinguish the districts.

The CHANCELLOR of the EXCHEQUER. — I must admit these difficulties; but I hope it will not take long to overcome them.

SIR R. PEEL. — I am inclined to think that there is likely to result considerable advantage from making a partial experiment. I think that the Right Honourable Gentleman opposite ought to consider well the proposition for having a special cover for the London district; and there can be no objection to its having a general circulation, if posted within the district, as is the case with the printed covers now used by Members of Parliament. They must be put into a particular office, but may be carried to any part of the United Kingdom.

Mr. ELLIOT. — Sir, I beg, in consequence of the assurance of the Right Honourable the Chancellor of the Exchequer, and on behalf of the county in which the petitioners reside, and which I have the honour to represent, to request that my Honourable Friend will consent to withdraw his motion.

Mr. WALLACE. — I have to say one word in reply to the observations of the Honourable Member for Monaghan. I can inform that Honourable Member that there are excellent maps attached to the Report of the Postage Committee. They were prepared with great care and accuracy; and I would anxiously recommend them to the attention of the Honourable Member. If he will take the trouble to look over them, he will see that, in by-gone times, wherever there were deer parks and abundance of game, there was no want of mail coaches and post offices; but that the interests of the several communities were considered matters of small importance. Resting satisfied with what has fallen from the Chancellor of the Exchequer, I have no objection to withdraw my motion.

Motion, by leave, withdrawn.

GREENWICH AND CHELSEA ASYLUM SCHOOLS.

Mr. LANGDALE. — Sir, it was my intention to move for "An Address to Her Majesty, that she would be graciously pleased to direct the Commissioners for the Asylum Schools of Chelsea, Southampton, and Greenwich, to make such modifications in the regulations therein in force as may secure to the children of Catholic and Protestant dissenting soldiers and sailors, if duly qualified, the benefit of those establishments, without the sacrifice of their religion;" but I would first ask the Government a question, and if that shall be satisfactorily answered, I will not occupy the time of the House by proceeding further with the subject. The question I wish to ask is this — whether or not, with respect to the children alluded to in my motion, the necessity of their being instructed in the principles of the Established Church, if their parents dissent from those principles, may not be dispensed with; and, secondly, whether they may not be allowed on Sunday to attend their own place of worship?

Mr. MACAULAY. — I earnestly hope that my Honourable Friend will consent to withdraw his motion; because, if not, worded as it is, I regret to say that I shall feel it my duty to oppose it. Knowing how very large a proportion of the army and navy is composed of persons conscientiously dissenting from the Established Church, I am quite sure that no Gentleman in the House will say that the rewards which those gallant men have earned in the service of their country should be withheld from their children, in consequence of their religious dissent. I can never adopt such a doctrine; but at the same time any change in the establishments referred to by the Honourable Member should be made with great care and caution; and if the Honourable Member will consent to withdraw his motion, I will assure him that the subject shall be immediately and seriously considered by the Government, with the most earnest desire to do everything that can be required for attaining the end he has in view. At the same time, I would just say, that as far as I am concerned, I foresee no objection to the children attending their own place of worship, and not being compelled to learn the Church Catechism.

Mr. LANGDALE. — After the assurance I have just heard from the Right Honourable the Secretary at War, I feel that I should not be justified in persevering in my intention to press my motion.

COMPTROLLER OF THE EXCHEQUER.

Mr. LIDDELL.—Sir, in rising to move the resolutions of which I have given notice, I must express my satisfaction that on this question the Government seem determined to "show fight." For the champion they have put forward on this occasion, I must say, in commencing, that I entertain the highest possible respect; and were it not for the confidence which an honest cause always inspires, I should shrink from a contest with so able an antagonist. But, at the same time that I express my respect for the champion, I cannot compliment him on the choice of his weapons; because an amendment more pointless or tame than that of the Noble Lord I have never seen. Before I call the attention of the House to the resolutions which I have myself proposed, I must beg leave to examine the amendment, so called, of the Noble Lord. It concludes by stating, —

> That it appears to this House that the Right Honourable Sir J. Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom: that, while in the said office, he directed, and after leaving office suggested, various inquiries which led to the adoption by Parliament of measures highly

conducive to the better administration of the law, and beneficial to the revenue.

That is put in a great number of words; but all it means is, that, during the time Sir John Newport held an official appointment in Ireland, he endeavoured to do his duty. It amounts to nothing more. Since the first discussion on this question, I have taken the advice of the Noble Lord, and have referred to those periods when Sir John Newport was in an official capacity in Ireland; and I am now willing to admit that I have no fault whatever to find with the right honourable gentleman during the short period that he filled the office of Chancellor of the Exchequer in that country. The chief object, however, which he effected during that time, was establishing the principle of a free intercourse of trade between Great Britain and Ireland. But Sir John Newport is not to found his claims to the approbation of this House on being the sole advocate of that measure. I am prepared to assert that that question had been fully considered by those great men who carried the Union; and Mr. Pitt himself was long aware of the necessity of doing away with the restriction on trade between the two countries. Sir John Newport, therefore, did not follow out his own suggestion, or that of the Government to which he belonged; but a course which was almost self-evident, and had been deemed necessary ever since the period of the union with Ireland. Therefore, let us not suppose that to him, alone, is due the credit of working out the free trade principle. The Noble Lord's resolution goes on to say, —

That, after serving for five years in the honourable office of Comptroller of the Exchequer, being then upwards of eighty years of age, and afflicted with bodily infirmity, he withdrew from public life, respected for the unblemished integrity of his character, to pass in retirement the remainder of his days.

Now, that part of the resolution is not strictly correct. Sir John Newport had withdrawn from public life before he received the appointment of Comptroller of the Exchequer. In his last address to his constituents at Waterford, Sir John Newport said, that, from bodily infirmity, he was unable to perform the duties of a Member of Parliament; and he therefore withdrew from their representation on those grounds: he then withdrew from public life, and yet, subsequently, received the office of Comptroller of the Exchequer. Now, Sir, I have no hesitation in expressing my opinion that the original appointment of Sir John Newport to the responsible and effective and active office of Comptroller of the Exchequer was an injudicious appointment, and not made in the true spirit of the Act of Parliament which created that office. On looking to that Act of Parliament, and to the debate which took place when the Bill for that Act was introduced, I would say, it was never intended that the office then created should be a sinecure office; but that, on the contrary, it was to be a highly active and responsible office. And I do maintain, that to appoint to that office a gentleman at an advanced age, who had previously retired from public life, was, on the very statement of the case, injudicious and improper. The Noble Lord's resolution then goes on to say, —

That, considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied that the grant of a pension to a retired Comptroller of the Exchequer, in circumstances so peculiar, cannot be drawn into a precedent in favour of persons who have not just claims on the Royal beneficence, and are not distinguished by the performance of duties to the public.

Now, the Noble Lord may assume that this grant of a pension to Sir John Newport cannot be drawn into a precedent; but I, in my resolution, go further; for I contend that it ought not to be. I dispute the Noble Lord's assumption. If the House take it for granted, it is begging the question; and I will warn the House that most assuredly it may, and will, be drawn into a precedent on future occasions. I would remind the House, — as I have expressed it in one of the resolutions which I have the honour now to propose, — of "the great importance of keeping the Comptroller General of the Exchequer independent of the influence of the Crown." If, then, a Comptroller of the Exchequer, after a term of service, is to be pensioned off, according to the will of the then existing Government, I will ask you, — what will become of the independence of the office? Would anything be easier than for a future Comptroller of the Exchequer to apply to the Government of the day, and allege his great anxiety to retire, and to place at their disposal one of the most honourable offices under the Crown? Would anything be easier, therefore, if, according to the precedent established in the case of Sir John Newport, the Crown were willing to grant such applicant a pension — which, after this example, he might have very just reason to expect — for the faithful performance of his duty, and if the Government were willing to accept his resignation, than for them to appoint some other person in his place, but not allowing him to retire without a pension? I contend that it is incumbent on the House, now that the question is fairly brought before it, to come to such a vote as shall take away the chances of such jobbing for the future. After noticing the latter part of the Noble Lord's amendment, I had almost forgotten to refer to the former part of it; but I must say, it requires some little study to find out the enigma which that part contains. All I can gather from it is, — but I do not pretend that my solution is the correct one, —that, let Parliament hold what language it pleases, and make what regulations it thinks proper for the public service; even if an Act have been passed for the purpose by the Legislature of the country, means will still be found, if the will exist, for — I will not say a corrupt, but — a jobbing Government, to evade and set at nought those regulations which the House had in vain attempted to impose. If there be any meaning at all in the first part of the Noble Lord's amendment, that must be it; if there be any further meaning in it, the Noble Lord, and not I, must be the Œdipus to solve the enigma.

Now, after having observed on the amendment of the Noble Lord, I hope I may be permitted to make some observations on the resolutions which I am about to propose. Those resolutions appear to flow very naturally from the principle which I have attempted to lay down; and which I consider to be embodied in the Act of Parliament referred to by me when this matter was first brought forward. My first resolution recites, "That it appears that the said Comptroller General filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only, — namely, from the month of February, 1806, to the month of April, 1807." What says the warrant under which Sir John Newport receives his pension? The grounds on which his pension has been granted may be divided into two parts; the one, for zealous and efficient service, rendered to the public during the period that he was out of office; and the other, for similar service, rendered whilst he was in office, including the short period during which he was Chancellor of the Exchequer in Ireland, and, strange to say, the period during which he was Comptroller General. I think that the House, on the former discussion, gave its assent to this great principle, that, although some cases of necessity and exception might arise, yet to lay down as a principle that a mere public and parliamentary life, independently of official service, ought to be rewarded with a pension, was most dangerous, especially considering the disinclination of the Crown to grant pensions in these days. I think, then, I may fairly hold, that, in respect of his parliamentary life, Sir John Newport was not entitled to a pension. As to his official service, let the House see on what ground the pension could be claimed. The Act of 4 & 5 William IV. c. 24. says, —

> That no person shall be qualified to receive any pension on the ground of public duties performed in the highest offices of the state, unless he shall have continued in the performance of such duties for a period of two years at the least.

And it is, therefore, perfectly clear that Sir John Newport had no claim to a pension for the time during which he had performed the duties of the office of Chancellor of the Exchequer in Ireland, as that period was only thirteen months. The right honourable gentleman then attained to the office of Comptroller of the Exchequer; and with respect to that office, one of my resolutions goes on to say, "That it appears that it was also specially provided by the said Act, 4 & 5 William IV. c. 24., that the holder of the office of Comptroller of the Exchequer should be precluded, on his retirement from that office, from all claim to any of the pensions which the Crown was thereby empowered to bestow for civil or political services." It is, therefore, perfectly clear, that, for his service as Comptroller of the Exchequer, Sir John Newport had no claim to a pension. I have thus divided the life of that right honourable gentleman into his public and parliamentary life, and his official life, and have shown, that, for the former, the House cannot allow the principle of granting pensions; and that, for the latter, he is precluded from all claim to a pension by the Act. But the Government say, they admit all this; and, on the principle (I suppose) that two negatives make an affirmative, because Sir John Newport had no claim for parliamentary services, and no claim for official services, they have granted him a pension of 1000*l.* a-year!

I have already reminded the House of the great importance,— set forth, indeed, in the Act of Parliament itself, and recognised by this House, — of keeping the Comptroller of the Exchequer wholly independent of all possible influence of the Crown; and I will now go forward to that resolution which I am about to propose, that refers particularly to the Act of the 1st and 2d of Victoria: — "That it appears that provision was made in the Act of the 1st and 2d Victoria c. 2. that the sum which Her Majesty might be empowered to grant in pensions on the Civil List in any one year should not exceed the sum of 1200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted to such persons only as might have just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign, and the gratitude of the country." Sir, I have read this, because, after disposing of this part of the question, I shall feel it my duty to make some observations on the present mode of dispensing the Royal bounty. But this much I must say, — as far as I can learn, by reference to the list of pensions granted since that resolution was passed, the spirit of that Act of the 1st and 2d of Victoria has been rigidly adhered to; and I believe that no fault whatever can be found with the pensions which have been granted by the Crown since that time, with the exception of the case we are now discussing — the pension of Sir John Newport. I am therefore most anxious that the House should affirm the last resolution which I have the honour to propose. It is this: — "That, considering all these circumstances, and more especially the great importance of keeping the Comptroller General of the Exchequer independent of the influence of the Crown, as also of insuring a strict adherence to the spirit of the resolution of this House on the subject of civil list pensions, this House deems it expedient to express its decided opinion that the grant of 1000*l.* a-year to Sir John Newport, under the warrant before mentioned, ought not to be drawn into a precedent." It is perfectly true that my resolutions are very mildly worded; but I considered it much safer and wiser, rather to understate than attempt to overstate the case which I wish to establish, and which, I hope, the House will assent to. But, although these resolutions are so mildly worded, they call upon the House to recognise two great principles; — the first, — that of keeping the Comptroller of the Exchequer independent of the influence of the Crown; and the second, to adhere strictly to the resolution we have passed on the subject of granting pensions. I do not wish to go farther into that point. I have brought forward this question on public grounds, on account of the principle and manner on and in which this pension has been conferred; but the Noble Lord, in his amendment, has put the argument altogether *ad misericordiam.* To that part of the subject I have no wish to direct the attention of the House; I have no wish to exercise any sort of harshness towards the right honourable gentleman, nor to withdraw from him the pension he enjoys; but I think that the granting of it was an experiment that ought not to be repeated. On a question of this sort, when so much may be said concerning the question of pensions and the propriety of granting them, I have thought it right to look into the list of pensions granted since the resolution passed the House; and, as I stated before, I see in that list no reason to find fault. I conceive that the spirit of that resolution has been in all cases strictly adhered to; and, as far as I can judge, the individuals selected for those pensions have been eminently deserving of the favour conferred on them by the Crown. Among those names, I find some that do honour to this, and would do honour to any other, country. I find among them the names of Southey, Moore, Doctor Brewster, Miss Mitford, Mrs. Somerville, and of several other eminent persons. But there is one great name, equal, if not superior, to any that I have mentioned, which I do not see in that list — the name of a man who has done more than any who ever lived, to open the heart to the most kindly influences of human nature, and who, in his writings, combines the most exalted spirit of piety with the purest inspiration of poetry. I need hardly say that the name to which I allude is that of Wordsworth.

AN HONOURABLE MEMBER. — Mr. Wordsworth holds an office.

MR. LIDDELL. — I am aware of that circumstance; and I have not brought forward Mr. Wordsworth's name by way of a reproach to the Government; but I must make one or two observations on the facts of the case. It is true that Mr. Wordsworth holds a provincial office which affords him a tolerably respectable income; and an offer was made, undoubtedly in a spirit of kindness, and it was received in the same spirit, to transfer Mr. Wordsworth's appointment to his son, and to place the name of Mr. Wordsworth himself upon the Pension List. But the amount of the proposed pension was so much lower than that awarded to other persons of literary distinction, — being, in fact, no more than 150*l.* a-year, — that, although Mr. Wordsworth cherishes as little pride, perhaps, as any human being, a just and commendable self-esteem induced him to decline a provision by means of which his name would have appeared on the Civil List in a position inferior to those of other individuals whom he might, without vanity, not consider equal to himself. As I have already observed, I do not consider these facts as a reproach to Her Majesty's Government, although it would be a great satisfaction to me, as well as, I believe, to the House, to see Mr. Wordsworth's name placed on the same footing as those of his literary compeers, by an act of bounty, which would confer as much honour on the donor as on the recipient. Another instance to which I would advert, is one of a very different nature, in which, to my own knowledge, a small pension was applied for on behalf of a person in humble life, but who was deserving of the highest praise and admiration. I refer to her with pride and satisfaction, because she is a fellow countrywoman of mine — I mean Grace Darling.

[Cries of "Hear, hear!" and, "Oh, oh!"]

Do Honourable Members know the circumstances of the case? Perhaps, when they have heard the whole of it, they will desist from interruption. Do they know that this humble individual, residing on a barren rock, did, by her courage and determination, rescue no fewer than eleven of her fellow creatures from destruction? Such an event could not take place without creating a great sensation in the neighbourhood of the scene where it occurred; and I know that an application was made for a small pension of 50*l*. a-year for life for the female whose conduct has been the subject of universal commendation. The application was not made because she needed to ask the public for means of support; she belongs to a family who are placed above want; but it was thought that a small pension might well have been so appropriated, for the sake of example, especially under the reign of a female Sovereign. However, the pension was asked — and refused. These are two cases which certainly do appear to present favourable objects for Royal consideration; but to these two cases, I repeat, I do not refer for the purpose of reproaching the Government. There is, however, one more case which has been brought under my notice within the last eight-and-forty hours; and I believe a more melancholy narrative it never has been the lot of any Honourable Member to lay before the House; it will show how far Her Majesty's Government is disposed to dispense equal justice to all classes of the community. Sir, in the year 1800, a gentleman named Horatio Leggatt filled a situation in the Office of Taxes; in 1820, the solicitor to the office having retired, Mr. Leggatt succeeded him in his office, at a salary of 1500*l*. a-year. In 1833, Mr. Leggatt, after thirty-four years of public service, without the slightest imputation upon his character, and after enjoying the confidence of successive Governments as solicitor to the Board of Taxes, was compelled to retire, owing to the consolidation of the Boards of Stamps and Taxes, upon a retiring allowance of 1300*l*. a-year. While he filled his official situation, he had a residence annexed to his office, the value of which to him and his family might be estimated at an additional 1000*l*. a-year; and there were, besides, emoluments arising from the situation, which made it altogether worth about 3000*l*. a-year. In 1838, this gentleman, having suffered grievously in his mind from the embarrassment consequent upon the reduction of his income from 3000*l*. a-year to 1300*l*., with a family of six children, dependent upon him for support, put a period to his existence, leaving a widow with a jointure of 300*l*. a-year for her support and that of her children, the eldest being seventeen, and the youngest only two years of age. Under these circumstances, Mrs. Leggatt memorialised, first, the Chancellor of the Exchequer, and then the First Lord of the Treasury. One would have thought that this lady, the widow of a man who had for a whole term of thirty-four years performed his duties to the satisfaction of the Government, might, under the circumstances of destitution in which she was placed, have used successfully the *argumentum ad misericordiam* which the Noble Lord who has moved the amendment to the present motion has placed upon the Votes. Now, Sir, I hold in my hand the answer of the Chancellor of the Exchequer to the application made on Mrs. Leggatt's behalf: —

Downing Street, August 22. 1839.

Sir, — I am desired by the Chancellor of the Exchequer to acknowledge the receipt of your letter of the 20th, and to express his regret that your former communication should have remained unanswered. He directs me to inform you, that it will not be in his power to relieve Mrs. Leggatt in the object she has in view, as it does not belong to the business of his department to submit for Her Majesty's gracious consideration the applications that may be made for the grant of a pension. This, duty, he desires me to add, is confined to the First Lord of the Treasury.

I have the honour to be, Sir,
Your obedient servant,
W. Leake, Esq. R. Bourke.

In consequence of this letter, Mrs. Leggatt applied to Lord Melbourne, from whom she received the following reply: —

Downing Street, Sept. 5. 1839.

Madam, — I am desired by Viscount Melbourne to acknowledge the receipt of your letter of August 30., and to inform you that, in consequence of regulations that have been laid down by the House of Commons with regard to pensions, he is unable to comply with your request

I have the honour to be
Your obedient servant,
Mrs. A. Leggatt. E. Howard.

I wish to know whether this was equal justice? Can any one deny that a just claim was made out in this case for the gracious consideration of the Crown? Can any one deny, that if the First Lord of the Treasury could, consistently with the regulations prescribed by Parliament, have granted a pension in this case, he would have fulfilled a much more grateful task than that of carrying into effect what has been called, and will continue to be called, a palpable job? I have brought forward these cases, which have come within my own knowledge, to show, that when a charge was made upon the pension fund absorbing five sixths of its whole amount, there was no superabundance, no plethora of revenue, arising from the absence of claims upon the fund! I have now one word to say with respect to the Noble Lord who lately filled the office of Chancellor of the Exchequer, and now fills that of Comptroller. Who was it, that, when in this House, in his zeal for the public service (for to that motive, alone, his conduct must, of course, be attributed), and in despite of the great examples so often referred to on this side of the House, did, in 1837, consent to the appointment of a Select Committee to consider the merits of all the existing pensions, and to overhaul the claims of those placed upon the list in the most unjustifiable manner? Who but my Lord Monteagle?

——— Mutato nomine de te
Fabula narratur.

An Honourable Member. — It was a Government motion.

Mr. LIDDELL. — I do not want to absolve the Government from the responsibility of that measure; but they selected the Noble Lord to make out their case; and, after doing that, he ought, I say, to have been the last man whom they should have chosen for this proceeding, which will never go by any other title than "the Monteagle job," —

Dat veniam corvis, vexat censura columbas.

To be sure, there was no one who knew better than the Noble Lord how to make the best of a bad case. I have seen the Noble Lord extricate himself from situations in which his successor will be very likely to flounder. I do not mean to say that the Noble Lord was a very eminent finance Minister; the present circumstances of the country disprove that notion; but I am much surprised that he would lend his name to such a job as that which we are now discussing. The Noble Lord now enjoys his *otium cum dignitate*, in the peaceful and calm retreat of the Comptrollership of the Exchequer, where, at length, snugly moored, he laughs at the breakers from which he has just escaped, and listens, calmly, to the murmurings of the distant storm. I wish the Noble Lord health and happiness in his new office, and in that retirement, which his social qualities are so well qualified to adorn; and, above all, I wish the Noble Lord a complete independence from all influence on the part of the Crown. I will trouble the House no further: if my resolutions are, as they have been described, "mild as milk," I hope I shall not see them diluted with water, by means of the Noble Lord's amendment; and I trust that, in after times, we shall not see the high and important office of Comptroller of the Exchequer disposed of by a job. I beg to move the following resolutions: —

That it appears, by a copy of a warrant on the table of this House, that a pension of 1000*l*. a-year has been granted by Her Majesty to the late Comptroller of the Exchequer, on retirement from that office, on the ground of "zealous and efficient services rendered to the public during a period of nearly half a century; in which interval of time he filled the offices of Chancellor of the Exchequer for Ireland, and Comptroller General of the Exchequer for the United Kingdom."

That it appears that the said Comptroller General filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only, — namely, from the month of February, 1806, to the month of April, 1807.

That it appears, by reference to the Act 4 & 5 Will. IV. c. 24. (by which the granting of pensions for political services was regulated), that no person is qualified to receive any pension on the ground of public duties performed in the highest offices of the state, unless he shall have continued in the performance of such duties for a period of two years, at the least.

That it appears that it was also specially provided by the said Act, 4 & 5 Will. IV. c. 24., that the holder of the office of Comptroller of the Exchequer should be precluded, on his retirement from that office, from all claim to any of the pensions which the Crown was thereby empowered to bestow for civil or political services.

That it appears that the person holding the office of Comptroller of the Exchequer now constitutes the sole check (in lieu of all others formerly existing under the ancient regulations of the Exchequer) on the expenditure of all public moneys issued through the Exchequer by the authority of the Commissioners of the Treasury; and it is specially provided that he should be incapable of holding any other office under the Crown in conjunction with such Comptrollership; and should be irremoveable from his office, except in pursuance of an Address from the two Houses of Parliament; this officer being thus withdrawn from the exercise of any influence of the Crown over him in the discharge of his functions.

That it appears that provision was made in the Act 1 & 2 Vic. c. 2., that the sum which Her Majesty might be empowered to grant in pensions on the Civil List, in any one year, should not exceed the sum of 1200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted "to such persons only as might have just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign, and the gratitude of the country."

That, considering all these circumstances, and more especially the great importance of keeping the Comptroller General of the Exchequer independent of the influence of the Crown; as also of insuring a strict adherence to the spirit of the resolution of this House on the subject of civil list pensions; this House deems it expedient to express its decided opinion that the grant of 1000*l.* a-year to Sir John Newport, under the warrant before mentioned, ought not to be drawn into a precedent.

The motion having been seconded, and put from the chair, —

LORD VISCOUNT MORPETH said: — Sir, the Honourable Gentleman the Member for North Durham has stated, in the beginning of that severe and crushing speech which the House has just heard, that he was glad the Government had mustered courage enough to "show fight" on the present occasion. Now I would humbly remind him that this is not the first occasion on which the Government has mustered courage enough to "show fight" in the course of the present Session; and I look upon it as a cause of no small or mean congratulation to the Administration of which I am a humble member, that, after the opposition to its principles, its measures, and its existence, had been formally announced to be more organised and more determined than it has been in any preceding year, — after it had been stated, on authority, that Honourable Members on the other side were ready and eager to oust the present Ministry and to take its place, — the only topic selected from the wide range of its foreign, domestic, and colonial policy, upon which those Honourable Members could come to the charge, twice, was — this retiring pension granted to Sir John Newport. And, I must say, that after all the denunciations which, having been thundered forth during the recess, were bottled up again ready for explosion at the beginning of the Session, my mind was much re-assured when I found this alleged misdeed selected as the leading and crowning enormity. I do not wish to bandy epithets with the Honourable Member, as to the merits of the resolutions which he proposes, or as to the amendment which I propose to substitute for them. I will only say, that if the amendment be pointless and spiritless, anything better corresponding to the original resolution I cannot conceive. The resolutions are the spear with which the Honourable Member makes his attack, and which should be pointed; but there is no occasion for a pointed shield to repel a pointless blow. With respect to this long string of resolutions, they appear, all of them, to be of such a colour and character that no one can be affected by any fate that may betide them; and, while I reciprocate the respect with which the Honourable Member has been pleased to speak of me, I cannot help expressing my opinion that the Honourable Member's resolutions are nothing but didactic twaddle. Notwithstanding the length of the resolutions, they do not furnish a full account of the subject with which they profess to deal: and as the Honourable Member has given an historical review of the grounds on which he opposes the appointment under consideration, I would suggest an addition to that retrospect. Sometimes, when we attempt to contrast the mode in which pensions are now administered with the mode observed in former times, we are met by the assertion that the terms and conditions are totally different. But so far from that being the case, I think, that, if we refer to the terms of former Acts, we shall find that they lay no foundation for the argument that the present Government has acted in contravention of regulations which former Governments did not violate, because those regulations did not then exist. Very many of the pensions which have been granted by preceding Governments were granted in contravention of the terms and conditions within which they ought to have been confined, in accordance with Acts of Parliament; and this was made manifest on the production of the list of pensions published at the request of the House for the information of Parliament and the country.

In order to show what the previous regulations and understanding on which pensions ought to have been granted were, before the adoption of the resolutions of 1834, and in order to point out the practice of preceding Governments, who were, in fact, as much bound by the stipulations of enactments as the Government of which I am a member can be bound by the words of the resolutions of the House of Commons, or by the enactment of the Civil List of the present Queen, I propose to insert between the 5th and 6th resolutions of the Honourable Member for North Durham the first resolution of which I have given notice. It recites, — "That, by an Act of 22 Geo. III. c. 82., it was declared, 'And whereas much confusion and expense did arise from having pensions paid at various places, and by various persons, and a custom hath prevailed of granting pensions on a private list during His Majesty's pleasure, upon a supposition that, in some cases, it may not be expedient for the public good to divulge the names of the persons in the said list, or that it may be disagreeable to the persons receiving such pensions to have it known that their distresses are so relieved, or for saving the expense of fees and taxes on small pensions; by means of which said usage, secret and dangerous corruption may hereafter be practised; and whereas it is no disparagement for persons to be relieved by the Royal bounty in their distress, or for their desert; but, on the contrary, it is honourable, in just cause, to be thought worthy of reward,' &c: That this limitation to persons in their distress, or for their desert, not having proved a sufficient check on the grant of unmerited pensions, this House, in the year 1834, entered into certain resolutions concerning pensions." I think it desirable, as the Honourable Gentleman has gone into the grounds of pensions, to show that, if, in years preceding 1830, any pension was granted by preceding Governments on other grounds than for distress or desert, those pensions were granted in contravention of preceding Acts of Parliament. The resolution which I have read I propose to add to those to which I have already adverted, as moved by the Honourable Member for North Durham, — for the purpose of clearing up his statement of facts. But the last resolution of the Honourable Member contains the expression of an opinion. Accordingly, it is my intention to move, as an amendment to the last resolution, two resolutions, conveying also an expression of opinion, but of opinion differing from that contained in the resolutions of the Honourable Member. The difference consists in this; that whereas the last resolution of the Honourable Member states "that the grant of 1000*l.* a-year to Sir John Newport ought not to be drawn into a precedent," the resolution which I shall have the honour to move affirms that the grant of that pension "cannot be drawn into a precedent in favour of persons who have not 'just claims on the Royal beneficence,' and are not distinguished by the performance of duties to the public." Now the Honourable Member for North Durham stated, that the tenour of this resolution was, that this pension could not be drawn into a precedent. But he has entirely misconstrued and misinterpreted its meaning, which is, really, that this pension, having been fully deserved, cannot be drawn into a precedent for future grants of "undeserved pensions." But now, what are the grounds on which I rest my preference, and on which I hope the House will rest its preference, for the opinions expressed in my concluding resolution, over that expressed in the concluding resolution of the Honourable Member for Durham? First, I say this one thing; I have no wish but that every part of the case — that the whole transaction — should be looked at and sifted in every possible light. If there be one conceivable point in the whole transaction on which I can imagine that a person determined to find fault might lay his hand, it is the period of life at which Sir John Newport was first appointed to the office of Comptroller of the Exchequer. I can imagine such an objection having been felt, and having been stated. But I do not think, that, throughout the very candid and fair remarks made, in a preceding discussion, by the Right Honourable Baronet the Member for Tamworth, he at all questioned or censured the selection of Sir John Newport for the high and important office in question. But, as I have said, I can imagine such an objection having been felt and stated at the time. No such objection, however, was started at the time of the appointment; no such objection has been started during the whole intervening period; no such objection is now started: and I think, after this long acquiescence in it, none can now be fairly or properly taken. The fact is, that none is now set out, implied, or conveyed in the resolution, or by the Honourable Member himself. With respect to ability in the performance of his duty, while he held the office, no one who had observed the manner in which Sir John Newport discharged his functions, and seen his constant and assiduous attention, would be inclined to call in question his competency, so long as he felt justified in retaining his office: and longer than that Sir John Newport did not retain it.

Before I address myself, Sir, to anything stated directly in the speech of the Honourable Gentleman, I must refer to one or two points, which, though very convenient to leave open for insinuations, sarcasms, and inuendos, he has not had the courage or the consistency to insert in his resolutions. The courage to do so would certainly have been great; but the consistency, — an object of desperate attainment. The Honourable Gentleman has permitted himself to imply that the retirement of Sir John Newport took place in order to enable the present Lord Monteagle to succeed to the office. And he then pelted poor Lord Monteagle with many hard epithets, and some not very new quotations. Now, with respect to that suggestion — though covertly insinuated, — though darkly stated, — though not contained in the resolutions, — though the House is not directly called on to express an opinion that the retirement of Sir John Newport actually took place in order to effect the succession of Lord Monteagle to the vacant office, — yet, to that suggestion I have to give the most distinct and unqualified contradiction, on the part of all the parties concerned in the transaction. If there be any one who disbelieves the deliberate assurance of such parties, I can only say that I leave him most cheerfully to the latitude, the felicity, and the pride of his scepticism. In the year 1838, Sir John Newport, feeling, from increasing infirmities, the performance of the duties of his situation irksome and uncomfortable to himself, expressed, from time to time, to some Members of the Cabinet, his disposition to be relieved from the discharge of those duties. He was induced, however, to consent to continue in the possession of his office; but, in the year 1839, being about to pay a visit to his native country, he solicited and obtained a personal interview with the First Lord of the Treasury; at which interview he placed the disposal of his office in the hands of Lord Melbourne: and I have received the most distinct assurance, that, in the month of May last, if the Right Honourable Baronet opposite had succeeded in the formation of a permanent Administration, he would have found the office of Comptroller of the Exchequer at his absolute disposal. It is true that, on his return to the administration of affairs, Lord Melbourne did postpone accepting the resignation of Sir John Newport, and that Sir John Newport did not give up the office till the end of the Session. But, so far from that retirement having the most remote connection with the succession of Lord Monteagle, not only was the office, held by Sir John Newport, offered, in the interval, to another person; but it is well known to many Members on this side of the House — it must be known to some on the other side — and can be known to none better than to yourself, Mr. Speaker, — that, at that time, and for a long time afterwards, the views of Lord Monteagle were centred on a totally different object. The Honourable Member has stated that Lord Monteagle was one who was able to make, at all times, the most of a bad case. I regret that I cannot, upon this subject, return the compliment to the Honourable Member. But, turning to his resolutions, I ask, where are the grounds for the opinions which he endeavours to twist and torture into the last resolution that he has proposed? The first resolution is a matter of indisputable fact. The second and third resolutions say this: —

> That it appears that the said Comptroller General filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only; — namely, from the month of February, 1806, to the month of April, 1807: That it appears, by reference to the Act 4 & 5 Will. IV. c. 24. (by which the granting of pensions for political services was regulated), that no person is qualified to receive any pension on the ground of public duties performed in the highest offices of the state, unless he shall have continued in the performance of such duties for a period of two years at the least.

Now, all this is undoubtedly true. It is not pretended, by any one, that Sir John Newport had any title whatever to any retiring allowance or pension under the Act which is there referred to, by reason of his official services; but then, whether he had not a fair claim to the favourable consideration of the Crown, by reason of his public conduct, — whether in or out of office,—is another point, and one which I shall consider in a moment. The two next resolutions go on to state,—

> That it appears it was also specially provided by the said Act 4 & 5 Will. IV. c. 24., that the holder of the office of Comptroller of the Exchequer should be precluded, on his retirement from that office, from all claim to any of the pensions which the Crown was thereby empowered to bestow for civil or political services: That it appears that the person holding the office of Comptroller of the Exchequer now constitutes the sole check (in lieu of all others formerly existing under the ancient regulations of the Exchequer) on the expenditure of all public moneys issued through the Exchequer by the authority of the Commissioners of the Treasury; and it is specially provided that he should be incapable of holding any other office under the Crown in conjunction with such Comptrollership; and should be irremovable from his office, except in pursuance of an Address from the two Houses of Parliament; this officer being thus withdrawn from the exercise of any influence of the Crown over him in the discharge of his functions.

But what is it we are to infer from the two resolutions I have read to the House? Is it that the person who has filled the office of Comptroller of the Exchequer is not only to be deemed as not entitled to any claim for a retiring allowance or superannuation, by reason of his tenure of that office,—an assertion which is true to the letter, and which, considering the delicate and important nature of the office, as detailed in the resolution, is as proper as it is true; but is it also to be inferred that every person who has held that office, in all times, if circumstances shall have compelled him to retire from such office, either through increase of years, or from a conscientious sense of his inability satisfactorily to perform the duties,—is he, if there be other considerations, independent of the fact of his having held that office,—circumstances connected with his former life, his former public services, and his present position and state of fortune,—is he, if such circumstances render him a fitting object for the bounty or favour of the Crown,—is he, because he may have held the office of Comptroller of the Exchequer, to be debarred from the exercise of the fair discretion of the Crown? I believe it is sufficient, on this point, to say that it was enacted by Act of Parliament that the person holding the office of Treasurer to the Ordnance should not be entitled to any superannuation allowance, by reason of his having held that office. And yet that circumstance did not prevent Honourable Gentlemen opposite, when they were in power, from giving a pension to Mr. William Holmes, who had filled that office; and that, no doubt, upon considerations independent of the mere discharge of his duties in that office. In making that provision, they did not bestow it, as it is given in the case of Sir John Newport, on a man at a very advanced preiod of life; but they gave it to his son, in the full bloom of youth and the vigour of life. I do not, Sir, mean to question the propriety of that grant; but I only call attention to it, for the purpose of showing that the existence of a specific enactment in an Act of Parliament, that no one holding that office should receive a retiring allowance, did not prevent the preceding Government from making such a provision for such an individual or his family, that individual having held such an office, if they thought that the circumstances of the case rendered it desirable that there should be an exercise of their discretion in his favour. The question, then, is,—Do the circumstances connected with Sir John Newport's public career warrant us in the exercise of such a discretion in his case? It becomes my duty to inquire into this, in reference to the sixth resolution moved by the Honourable Member for North Durham, which recites the well-known resolution of this House. It is this:—

> That it appears that provision was made in the Act 1 & 2 Vic. c. 2., that the sum which Her Majesty might be empowered to grant in pensions on the Civil List, in any one year, should not exceed the sum of 1200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted "to such persons only as might have just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign, and the gratitude of the country."

The question that we have to deal with is this,—to consider whether the circumstances of the case of Sir J. Newport bring it within the conditions herein specified. In addressing myself to this part of the case, I beg to observe that I refer to it not as a case of sympathy or of feeling, but solely as a claim of public justice. If I might appeal, in an assembly like this, to associations which, I hope, are common to the Honourable Member and myself, I might, perhaps, mention that Sir John Newport had the good fortune of having as fags, when at Eton, such distinguished men as Lord Wellesley and Lord Grenville——

[Cries of "Oh, oh!"]

—and that he obtained their respect and affection, which were ever continued during the busy period of his public life. I certainly do not mean to rely upon any such ground with this House. But, then, what has been the public career of Sir John Newport, which entitles him to that grant, and that public remuneration, which he has now received? In order to show this, I shall state circumstances very plainly. I shall mention them in a perfectly unvarnished manner; for, unless the facts are sufficiently strong to speak for themselves, any observation respecting them would be vain and superfluous. Sir John Newport entered Parliament in the year 1804; and continued a Member of this House for thirty years. In the first year, he succeeded in putting an end to the Union Compensation Commission; which was followed by five Commissions, which it was alleged were obliged to sit once a week, and which, I believe, really did nothing. In 1806, the only time in which he was in office, he was Chancellor of the Exchequer for Ireland. In that year of the tenure of office by him, he either originated or carried through, or laid the basis for, many important measures; and of these the most essential, certainly, was the Bill which opened the corn trade between England and Ireland; for, before that time, the corn trade between the two islands was under as strict a system of law as that of England now is with foreign countries. This restriction, whatever might have been the intention of Mr. Pitt as to effecting its removal, Sir John Newport induced Parliament to repeal. And what has been the result of that measure? Ireland has thereby become the granary of England,—its production annually increasing; and every year has seen marvellous additions to the agricultural improvement of that country; and from that time, too, it has afforded the most profitable market for the manufactured produce of England. It may be truly said, that no enactment has tended more directly to the safety and the very existence of the whole empire. In the year 1806, Sir John Newport, having done so much to provide for the animal sustentation of the Irish people, had also the merit of providing for their mental instruction. In conjunction with the father of my Noble Friend who sits near me, the late Duke of Bedford, he took the first steps towards the establishment of any good general system of education in Ireland. By his advice, the first Royal Commission of Inquiry was issued; and on the Fourteenth Report of that Commission it was that the Noble Lord opposite (Lord Stanley) founded his system of national education. It was on that inquiry, I would impress upon the House, that the measure of the Noble Lord was peculiarly founded. In 1806, Sir John Newport instituted an inquiry into the Customs, which terminated in the abolition of sinecure offices in that department. The succeeding year he was not in office; but he still persevered in bringing abuses before the public, which he was the means of correcting. In 1810, he brought forward and effected the correction of abuses in the Treasury and the Post Office; and was, in those respects, of great assistance to Sir George Shee. He moved, too, for an inquiry into tithes; and through his means there was a Report drawn up as to the commutation of tithes. In 1814, he proposed and carried, in the face of a violent opposition, and after prolonged discussion, by a majority of one, his motion for a Commission to inquire into the state of the courts of justice in England, Ireland, and Scotland; and, in doing so, he rendered the proceedings in courts of equity and of common law less burdensome and much more expeditious for the suitors. That was a step of the greatest importance, and the utmost value, to the community at large. I have, here, a Parliamentary Return which refers to Ireland, and the reduction of costs to suitors in that country; and which shows, that whereas, previously, the average establishment of the Court of Chancery was 75,000*l.*, the saving has been 24,000*l.*; in the King's Bench, where the average establishment was 30,000*l.*, the saving he has effected is 17,000*l.*; in the Common Pleas and Exchequer, where the total average establishment was 28,000*l.*, the saving has been 16,000*l.*; in the Court of Error the saving has been 450*l.*; and in the Judges' Registers the saving has been 3500*l.* The saving on the whole, as completed by Sir J. Newport, amounts to 75,000*l.* in the courts of Ireland. During the whole of his career in Parliament, he never desisted from bestowing his earnest attention upon measures for the relief of the poor, and for removing the serious distresses that affect them in Ireland. In 1804, he brought forward the case of the lunatic poor, in 1806 he mainly contributed to the improvement which has since taken place in houses of industry and in hospitals; and, in 1819, he drew up that admirable Report on the State of Disease, which has led to the establishment of fever hospitals throughout that country.

With respect to the Church of Ireland, though a zealous advocate for the reform of that church, no man was also more zealous for promoting its real efficiency and welfare. He introduced, suggested, or aided in carrying various acts of the Legislature for putting an end to the evils of non-residence; and the abuses of pluralities, — the union of parishes, — the abolition of the vestry cess, — a taxation of first fruits, — were first brought forward by him. All the provisions of the Church Temporalities Bill were suggested and advanced by Sir John Newport. The grand jury laws, the public works, the salaries of county officers, were all remodelled at his suggestion, or by his direction or advice. In short, there was no subject of great national Irish policy, — there was no one detail, however trivial, that concerned the local administration of that country,— to which he did not give, while he had a seat in Parliament, or out of it, his unwearied supervision and continual attention. Almost every internal measure of improvement was the consequence either of the direct interference, or the salutary suggestion, or the hearty cooperation, offered by him, and willingly accepted, on many occasions, by the party to whom he was opposed. At all times, when he had the opportunity, he was ever ready, and ever anxious, to carry into effect every good measure.

I have now, Sir, mentioned several of those measures for which we are indebted to the vigilant control exercised in this House by Sir John Newport. Indeed, I may truly say, that his deeds follow him. I own that I do not regret, in the position in which I am placed, and bound as I am by duty, — as I hope I am impelled by feeling, — to have at heart the welfare of Ireland, to be called upon thus to recount the advantages conferred on her by her venerable benefactor, and to pay to him, while living, this humble tribute, — not, I am glad to say, tardily to record his merits before "the silent bust," but to carry home the fame of his virtues to the threshold of his retirement.

[Loud cries of "Hear, hear!"]

It is contended by the Honourable Member, that having been only one year in office, and yet having, during that time, carried, or assisted in carrying, many useful measures, Sir John was only discharging his duty as a Member of Parliament. The Honourable Member for North Durham contends, that the mere duties of parliamentary life do not constitute a circumstance which can be regarded as founding a claim to the consideration of the Crown. Apply, then, this case to that of the illustrious countryman of Sir John Newport — Mr. Grattan. It is true, that he received a magnificent provision from the Irish people; but suppose that no such grant had been assigned to that gentleman by the Irish people, — will any man contend that though Mr. Grattan, as it will be recollected, perseveringly refused to accept offices tendered to him at various periods of his parliamentary career, — for that reason, an Administration who sympathised in his principles, or revered his merits, should be prevented from recommending him to the liberality of the Crown, if circumstances called for it? Apply the same principle to the cases of Sir Samuel Romilly, and of Sir James Mackintosh, — the greater part of whose lives and most valuable services were given to the country in opposition. Look, also, to the pensions granted to the families of deceased statesmen, — such as Mr. Fox, Mr. Tierney, and Mr. Sheridan; the greater part of whose lives, also, were equally passed in opposition; and then let me not be told that official services should alone recommend gentlemen to the favour of the Crown! The Right Honourable Baronet the Member for Tamworth stated, when the subject was last debated, — and somewhat in a spirit of self-application which I by no means deny his claim to, — that great good can be done to the country by Members in opposition. I cordially agree in that sentiment. I wish that the claims of those who may have been in opposition should obtain consideration. But then it was contended, the other night, that if there was a claim arising from parliamentary services, it ought to be decided by a vote recorded within the walls of Parliament. I own, however, that that course seems to me to be the reverse of expedient. I apprehend that that is the tendency of the resolution which has been placed on the paper by the Honourable Member for Kilkenny. But the burdens of the country would, I believe, be greatly increased, if, in addition to the bounty of the Crown, there were also to be imposed on it the sums which this House might be inclined to grant. There would thereby, too, arise a great temptation to the canvassing of parties in Parliament. It is true, that pensions granted by the Crown on the Civil List may call for the condemnation of Parliament; but the originating and canvassing for the proposal of pensions in Parliament would put matters upon a different footing, and would have a tendency to throw a misinterpretation and misconstruction upon the contests going on within the walls of Parliament itself. But, Sir, while the Right Honourable Baronet seemed to intimate his opinion of the propriety of a grant for parliamentary services being arranged by the vote of the House of Parliament itself, — while he intimated that parliamentary services should be remunerated by pensions, — the only instance adverted to was that of Mr. Burke, who, it is well known, did not receive his pension in consequence of a vote of the House of Commons; but was placed upon the Civil List by the Crown itself. I gather, then, that the feeling of the House is rather to leave the responsibility to the Ministers of the Crown than to the votes of the Houses of Parliament. But then the Honourable Member who has proposed these resolutions seems to have thought that the sum of 1000*l.* was too large a grant to be taken for one person from that limited amount which is assigned to the Crown to distribute. I do not think it wise or salutary, however, after you have so far limited the discretion of the Crown as to the amount of pensions, further to question that limited discretion within the bounds to which you have assigned it, provided it can be shown that the pension has not been bestowed on an unworthy object, and that it is within the limits and resolutions established and requisite. Does, then, the case of Sir John Newport answer these conditions? Is he, or is he not, a worthy subject for the bounty of the Crown? I challenge the name of any person that is now on the pension list, — highly graced and honoured as that list is, — and I say that there is no name on that list that can feel discredited or disparaged by Sir John Newport's being placed by the side of it. It is not necessary that I should tell the House that there are some names on that list which could not be so easily put in such advantageous contrast as that of Sir John Newport.

I do not know, from the spirit in which the discussion of this motion is carried on, that we may not be driven into that department of the subject. But, at all events, be that as it may, at this period of the debate, the case of Sir John Newport, and my resolutions, as combating those proposed by the Honourable Member, do not stand in need of any such reprisals; and I, for one, at least, shall not stoop to the use of any such weapons. The question is, does the case of Sir John Newport fall within the limits and restrictions laid down by Parliament, and is he one of those who, by their personal services to the Crown, and by the performance of their public duties, have merited the generous consideration of the Sovereign, and the gratitude of the country? I trust that I have already sufficiently demonstrated that the case of Sir John Newport comes within these restrictions. But part of the argument of the Honourable Mover of the resolutions goes to this,—that we are, by making such a grant, neglecting the just claims of other parties. Now, Sir, I think that that is a very questionable thing to do, — to canvass the merits of persons who have not received pensions from the Crown: and I think that the Honourable Gentleman but ill consulted the real dignity of Mr. Wordsworth by the use which he made of his name on this subject. I am one, Sir, who must always rejoice to see the names of persons who have distinguished themselves by useful discoveries, or eminence in science, in literature, and the arts placed upon the pension list by the Crown. Several grants of this nature were made during the limited Administration of the Right Honourable Baronet; and, through his means, and to his great credit, the pension list contains the names of many eminent persons of this description. That list has, subsequently, been made by Lord Melbourne to contain the names of several more; and I do hope that succeeding pension lists may testify to still greater numbers of such honourable distinctions. But, then, I do not think it expedient that the claims of gentlemen of science or of literature should be thought to assume anything like a regular or stipendiary character. There is another class of cases, too, to which the Honourable Gentleman has adverted, — namely, the cases of those who have entitled themselves to our consideration, as having boldly battled for their country in many of its most distinguished contests. No class of cases, I admit, can be more fitting for the Royal bounty than this. But, if the pension list is to be restricted to the applications of such claims, you will see the limited restriction of the Crown at once overwhelmed. I do not think that the settlement of this subject was intended to answer any such purpose. I hope that all claims and all cases will, in their turn, receive the fair and patient consideration of the Crown and the country. But the Honourable Member does not wish to examine into the services in Parliament of such a man as the great subject of these resolutions, and would remove from all consideration of the Crown the public services of such a man as Sir John Newport. And what, then, Sir, under these circumstances, are the words of the amendments which I have the honour of placing in your hands? The first amendment which I propose is, to insert, after the word "functions," at the end of the fifth paragraph of the resolutions of the Honourable Member, the following words: —

That, by an Act of 22 George III. cap. 82., it was declared, "And whereas much confusion and expense did arise from having pensions paid at various places, and by various persons; and a custom hath prevailed of granting pensions on a private list during His Majesty's pleasure, upon a supposition that, in some cases, it may not be expedient for the public good to divulge the names of the persons in the said list, or that it may be disagreeable to the persons receiving such pensions to have it known that their distresses are so relieved, or for saving the expense of fees and taxes on small pensions; by means of which said usage, secret and dangerous corruption may hereafter be practised: and whereas it is no disparagement for persons to be relieved by the Royal bounty in their distress, or for their desert; but, on the contrary, it is honourable, in just cause, to be thought worthy of reward," &c: — That this limitation to persons in their distress, or for their desert, not having proved a sufficient check on the grant of unmerited pensions, this House, in the year 1834, entered into certain resolutions concerning pensions.

The second amendment I propose is, that, instead of the last paragraph of the Honourable Gentleman's resolutions, the following words be inserted: —

That it appears to this House that the Right Honourable Sir John Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that, while in the said office, he directed, and after leaving office suggested, various inquiries which led to the adoption, by Parliament, of measures highly conducive to the better administration of the law, and beneficial to the revenue; that, after serving for five years in the honourable office of Comptroller of the Exchequer, being then upwards of eighty years of age, and afflicted with bodily infirmity, he withdrew from public life, respected for the unblemished integrity of his character, to pass in retirement the remainder of his days: — That, considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied that the grant of a pension to a retired Comptroller of the Exchequer, in circumstances so peculiar, cannot be drawn into a precedent in favour of persons who have not "just claims on the Royal beneficence," and are not distinguished by "the performance of duties to the public."

I have had the good fortune of seeing Sir John Newport in that spot which he has selected for his retirement; and I can truly say, that he is one who closely answers the description of the great moralist and poet, —

Whose active days benevolence endears,
Whose nights congratulating conscience cheers;
The general favourite, as the general friend,
Such age is his, — and who would wish its end?

[Cries of "Hear, hear!"]

I do not impute to the Honourable Gentleman opposite, that he wishes the end of such a life. Heaven forbid I should impute any such wish to him, or to any one! But it is because such is the tendency of the resolutions, that I have moved an amendment upon them; — it is because I think that the tendency of those resolutions is to cast a cloud over the evening of a great man's days, and to embitter the calm serenity of his parting hours; — it is to counteract such a possible tendency, but at the same time to do justice to him, and to all parts of his life, that I now, Sir, put my amendment in your hands, in opposition to the spiritless and pointless character of the resolutions of the Honourable Member for North Durham.

[Cries of "Hear, hear!"]

The question was then put from the chair.

Mr. LEADER. — I do not complain, Sir, that the Noble Lord has characterised the speech of the Honourable Mover of the resolutions as "didactic twaddle;" although I must say, that the reply to it may be truly characterised as "official twaddle and misrepresentation." It is, I confess, somewhat difficult to understand what is the distinction between the motion proposed, and the amendment submitted, to the House; as the one says, that this appointment ought not to be drawn into a precedent, and the other asserts it cannot be drawn into a precedent, —

Strange that such difference there should be
'Twixt Tweedledum and Tweedledee.

[Laughter.]

The Noble Lord the Secretary for Ireland has referred to the provision that has been made by the Gentleman opposite for Mr. Holmes. But it is a strange mode of defending one job, to speak of a Tory job. What do the Whigs mean by doing this? It only shows how vain and unmeaning were their professions when out of office. Why were the people, I would ask, agitated, and the public mind disturbed, by the pretensions of these Whigs to purity, and of their burning desire to put an end to pensions? The public, placing reliance on the professions of the Whigs, expected that that party would not look back to former days for precedents to establish jobs; but that, as they had promised, so they would act, for the public service, without jobbing public offices, or lavishly expending the public money. But it seems, from all I have heard and learnt, that there has been a succession and complication of jobs in connection with this affair. I am very glad, then, that the Honourable Member for North Durham has brought forward these resolutions, although I do not think them strong enough; because they enable Honourable Members to state what they know upon the subject of these jobs, and thus to enlighten the public as to the manner in which offices are jobbed, and pensions granted, under the pure reign of the immaculate Whigs. To make the case clear to those who have not examined it well, ——

[Laughter.]

There may be some Gentlemen on my left hand (the Ministerial benches) who do not wish the case to be examined, ——

[Cries of "Hear, hear!" from the Opposition benches.]

and I can easily understand why they would not like such examination. I am glad, I say, that the Honourable Member has brought forward this motion; because I trust that I shall be able to state something, myself, upon this subject, in the hope that others more competent than myself will lay the matter quite open to the public, so that they may see all the foulness of this palpable job. With this view, I must go back to the time of the remodelling of the Exchequer; for although there were only two parties more immediately interested in this affair, — namely, the public and the Government,—yet several parties are put forward before the public merely as the instruments of Government in transactions of this description. In mentioning the names of such parties, however, I beg to be understood as by no means treating them with disrespect. In the first place, then, when the Exchequer was remodelled, why was not Sir Henry Ellis appointed Comptroller? He had held the office of Clerk of the Pells; he had a right to expect advancement; and, according to the doctrine of the day, he had a right to compensation. He was a man of ability, of experience, of unquestionable integrity, in the prime of life, and fully competent to the performance of the duties of the office. Why, then, was he not appointed? It was because, in this case, as in many others, the public service was lost sight of, in order to advance party purposes. The Whig party, at that time, thought it necessary to get rid of Sir Henry Ellis; and they dismissed him with a retiring pension of 1400*l*. a-year, to which he had a clear right; and I by no means blame him for taking it. In considering this case, the House must bear in mind that a certain amount of the public money has been, in my opinion, improperly spent in the matter, and, to a certain degree, jobbed. When the Right Honourable Baronet opposite (Sir R. Peel) came into office, during the year 1834, the name of Sir Henry Ellis was found on the list of persons receiving public money, being able to perform public services, but unemployed, although willing, and, indeed, anxious to be employed. He was asked, I believe, whether he had any objection to go back to Persia as ambassador; and his answer was, that he would prefer some office nearer home; but that if the Government chose to employ him, rather than receive the public money in idleness, he would accept the office in question. I believe that it was arranged that Sir Henry Ellis should go out as ambassador to Persia. Then came the dismissal from office of the Right Honourable Baronet, and the pure Whigs returned to their places. But soon, as upon the occasion of the remodelling the Exchequer, it was found inconvenient to employ Sir Henry Ellis in any permanent office; and he was sent to Persia merely to congratulate the Shah, while another person was sent there as ambassador. There were no reasons, except party reasons, for not placing Sir Henry Ellis in the office of Comptroller General of the Exchequer; and for these party reasons, 1400*l*. a-year of the public money was thus thrown away. I will now come to the appointment of Sir John Newport; and here I must premise, that I will not utter a single word against that right honourable gentleman, or against the very great services he has rendered to the public from the time when he was the lenient master, at Eton, of those distinguished fags, Lord Wellesley and Lord Grenville, to the present hour.

[Laughter, and cries of "Hear!"]

I must confess, that I thought, when the Noble Lord alluded to such a fact, on such a subject, that he had a bad case to support; and I am astonished that the

Noble Lord should have put forward claims of this description, which only show the weakness of the case he had to support. The Noble Lord stated, that Sir John Newport had been the means of saving to the public 75,000*l.* a-year of the public money. But is that, I ask, a ground for giving a pension to a Member of Parliament? Do not many of the Members of this House come to it pledged to economy and retrenchment? and are they to be paid for merely doing their duty? Upon that ground, the Honourable and Gallant Member for Lincoln would be entitled to a pension. The Honourable and Gallant Member has saved the country 20,000*l.* a-year by the vote he carried respecting Prince Albert's annuity. And I should like to know what amount of pension would be sufficient, on your principle, to show the gratitude of the public, and the sense you entertain of the service of saving public money — what amount would be sufficient to remunerate the Honourable and Gallant Member for Lincoln for his public services?

[Laughter, and renewed cries of "Hear!"]

The real fact, Sir, is, that the present claim, in this respect, — if such a principle as this is to be established, — is a very bad claim, and has no foundation whatever. If the Members of this House are to be paid for their public services, they will become mere competitors for the public money; and the public would be justified in saying, that public men were not actuated by a wish to serve the public, but were thinking of the example of Sir John Newport, who got 1000*l.* a-year because he saved 75,000*l.* It really shows that the Noble Lord has not a good case when he attempts to found it on such reasons as these. The Noble Lord has read a long list of motions which Sir John Newport made in Parliament. I must say, that I was very much dismayed at hearing that list read. It seemed to me to be a sort of incitement to Members to make as many motions as possible in this House. The argument of the Noble Lord was, "Give this man a pension, because he has done his duty so well, and made such a quantity of motions." Of course the pension must be in proportion to the number of motions. Now, Sir, without wishing to say a word against Sir John Newport ——

LORD JOHN RUSSELL. — Hear, hear!

Mr. LEADER. — What can the Noble Lord mean by that very expressive cheer? I have not said a word against Sir John Newport! I believe that Sir John Newport was a very good master to Lord Wellesley and Lord Grenville — his fags. I believe that he did save 75,000*l.* to the public. I believe that he really did his duty as Chancellor of the Exchequer in Ireland; and I believe that he is a very good old man in Ireland at the present moment. But what of all that? Surely, Sir, it does not at all furnish a reason for giving him a pension, especially when the House considers the way in which he was appointed to, and the understanding on which he must have entered upon office. But, having said thus much of the Noble Lord's praises of Sir John Newport, I will now come to the way in which Sir John Newport was appointed. At the time he was appointed, it was clearly understood, as set forth in the Act of Parliament, that the Comptroller of the Exchequer had no claim for a pension on account of that office. The fact is undeniable; and I believe the rule is, that no man employed in a public office can claim a pension on account of that office till he has served twenty-five years. When Sir John Newport was appointed, he was seventy-five years of age. It was, therefore, utterly, or, at least, almost impossible, that he could become entitled to a pension by twenty-five years' service. The pension, then, which has been given to him is a violation of the Act of Parliament under which he was appointed. But we are told, that Sir John Newport retired on account of his great age and infirmities. But that plea, surely, was an equally valid objection to appointing him at all. At the time of his appointment, he had gone through a long and arduous parliamentary life; and age and infirmity had begun to incapacitate him from performing the responsible duties of his office. What interpretation, then, must any man put upon his appointment? It is plain that the Government of the day wanted to reward a steady old partisan for party services; and being afraid, in the teeth of their own professions and resolutions of purity, to give him a pension at once, they gave him this office as a stepping-stone to a pension. It seems to me, Sir, that this is the only way in which this appointment can be interpreted by every unbiassed man of common sense. I come, now, to the third part of this job; and to that which, I confess, appears to me to be infinitely the worst part. With regard to this part of the subject, every Honourable Member will, no doubt, have the circumstances connected with it fresh in his memory. Towards the end of the last Session, the late Chancellor of the Exchequer had given such dissatisfaction to all commercial men, without exception, throughout the country, that the Government found they must positively get rid of him, or the commercial interests of the country would drive them speedily from office. Having, then, found it necessary to get rid of that most inefficient Chancellor of the Exchequer — for I state, without fear of contradiction, that he was inefficient — the Government were at a loss to know what to give him — as a sop. The Speakership of this House at first suggested itself; and certain Members of the Government went round canvassing Members on this side of the House for their votes in support of such a proposition as that!

[Cries of "Hear, hear!" from the Opposition benches.]

I state this openly, and I know that many Honourable Members will bear me out in the statement. It was stated to me, "Spring Rice is unpopular as Chancellor of the Exchequer,—he must be got rid of; and as you, also, wish to get rid of him as Chancellor of the Exchequer, will you not vote for him as Speaker?"

[Cries of "Hear!" and much laughter.]

I, at once, plainly and openly answered, that I disliked Mr. Spring Rice as Chancellor of the Exchequer, and that I certainly would not vote for him as Speaker, — that I thought, however, under any circumstances, they had better get rid of him as Chancellor of the Exchequer; — and as to the Speakership, I stated, that if Mr. Spring Rice were put up as Speaker, he would be sure to be beaten. Afterwards, accordingly, and to our great good fortune, Sir, we elected you!

[Cries of "Hear, hear, hear!"]

It then became necessary for the Government to find some other retiring place for the late Chancellor of the Exchequer; and as I suppose that Right Honourable Gentleman considered himself a very ill-used man in not being made Speaker, they were obliged to give him a most disproportionate reward for his party services, — public services I will not call them. Now, when a man retires from office after long public service, he claims, generally, one of two things. If he be a needy man, and wants money, he will, perhaps, claim some good place, which may enable him to live comfortably. If, on the other hand, he be a man not caring so much for money, but caring for the honour and power which a peerage confers, he considers himself entitled to that honour and power. But, in the case of the late Chancellor of the Exchequer, there was an accumulation of rewards. Not only was a peerage not sufficient; but there was added to it the very agreeable and well-paid office of Comptroller of the Exchequer. Having now, Sir, however, stated what my belief is, touching the way in which this office has been jobbed for party services, and against the interests of the public, I should like to call the attention of the House and of the country to one very important point of the case, as regards the public money. We may, perhaps, be told that it cannot signify to so great a nation that 2000*l.* or 3000*l.* of the public money should yearly be thus given away. But, Sir, I think it signifies a very great deal. That is the sort of argument which the reckless spendthrift uses when he finds his fortune beginning to become embarrassed. Such a person will say, "It does not signify whether I spend a few thousands more or less, I am, already, half ruined, so that it cannot make much difference." And so the Government appear to have argued and to have said, — "We are under the necessity of raising new taxes, and it does not signify whether we raise a few thousands more or less." But the public do not argue in this way. The public generally, if not individually, feel the bad moral effect which such conduct has upon the country. And let me ask whether the present is a time for extravagance and for jobbing in public offices, when, amongst the working classes, there exists so much distress — such discontent? I ask whether the present is a time for giving a fresh argument against the institutions of the country? There have been 2000*l.* or 3000*l.* a-year clearly thrown away in this job; and the arguments that will be founded upon the circumstance will, I venture to say, make many more Chartists, than twenty of the most violent speeches delivered at the most violent public meetings would do. It is this want of consistency in public men — these hollow professions of economy and retrenchment — that serve to make Chartists. It is this lavish expenditure of public money that makes men begin to consider whether they could not frame a system of government, under which the public money should not be thus lavishly expended, nor public offices thus shamefully jobbed. In conclusion, Sir, I have only to thank the House for the attention it has paid to these few remarks; and I have only farther to say, that it appears to me that the whole matter may be summed up in a very few words. This transaction is a job; and not only a job, but a job perpetrated by those who profess a great abhorrence of jobs, and who got into office chiefly by means of that profession; and, to sum the case up in the fewest possible, and, at the same time, in the most expressive words I can use, to show that it is a gross and clumsy job, — I have only to pronounce it "a Whig job!"

[Cries of "Hear, hear!" from the Opposition benches.]

Mr. W. BARRON. — I rise, Sir, to protest against what I cannot but consider a most unfounded and shameless attack upon one of the most honest, most indefatigable, and the best men that ever sat within the walls of this House. Never, I will venture to say, was there a man less open to attack, or more deserving of all praise for his public services, than my right honourable friend Sir John Newport. My right honourable friend, unsubdued by failure and by opposition, has, by perseverance and ability, forced, in his time, many most useful measures upon the most reluctant Governments. There is scarcely a branch of legislation, and more particularly so far as Ireland has been concerned, in which Sir John Newport has not been mainly instrumental in effecting great and useful reforms. His successful exertions in the reform of the law in Ireland can be fully estimated only by those who are conversant with the subject. Why, Sir, is it not also notorious that Sir John Newport effected that reform of the Exchequer in Ireland which led to the consolidation of the Exchequer of the two countries, and to a consequent great annual saving of the public money? Sir John Newport has never once swerved from his principles; and it is well known that he refused office, and parted from the early friends of his youth, sooner than concede his principles on the Catholic question. I contend, then, that the resolutions of the Honourable Member for North Durham will have the effect of indirectly passing a vote of censure upon Sir John Newport for having accepted his pension; for if the Ministers of the Crown were wrong in granting this pension, Sir John Newport will be considered as equally wrong in accepting and retaining it. But I believe that this is one of the best earned pensions upon the list. I challenge inquiry into the pension list; and I ask the House and the country to say whether there is a single name on the pension list that can be put in competition with the name of Sir John Newport?

[Cries of "Oh, oh!"]

I unhesitatingly say that there is not one that will bear that comparison. I appeal to those Gentlemen who are connected with agriculture in Ireland, to state what the agriculture of that country would have been but for the exertions of Sir John Newport? Through the exertions — the untiring exertions — of my right honourable friend, the value of land in Ireland has nearly doubled; whilst it is notorious that the importation of manufactures from England has quintupled. As an instance of the good effects which have followed from the exertions of Sir John Newport, I may mention that, previous to the passing of his Act, the agricultural produce exported annually by the city of Waterford was under 300,000*l.*; but, for the last five years, the amount has averaged upwards of 2,000,000*l.* per annum. In like manner, the importations of manufactured goods into the port of Waterford, which, previous to 1806, was less than 100,000*l.* per annum, has now increased to 900,000*l.* per annum. The great object of Sir John Newport uniformly has been to unite the two countries together, and to put an end to any distinction between them. In fact, my right honourable friend has done more to render the union between England and Ireland complete than all the Parliaments since the Act of Union was passed. Are services of this kind to be alone unremembered? Are twaddling poetasters and novelists, and puny inventors ——

[Cries of "Oh, oh!" and "Hear, hear!"]

— to be rewarded, while my right honourable friend is to be denied all remuneration for his valuable efforts? It would be monstrous to say that, because a Member of Parliament has served his country effectually, he alone should be unentitled to reward — he alone should not be rewarded in his old years with a pension. Nothing can be more disgusting to any may of feeling, education, and sentiment, than the labour of thirty years' experience in parliamentary drudgery, with twenty-six years of that time spent in opposition Honourable Gentlemen on the other side should have pity on my right honourable friend, now that they are in opposition themselves. Now, I promise, that after the Gentlemen opposite shall have been in opposition for twenty-six years, I will hold myself bound to vote for a pension for any of them who shall be found to have performed similar services to those of Sir John Newport. Do you grudge this poor man his 1000*l.* a-year? Never was there a pension more honestly earned. There is not a single stain on his character; and the Right Honourable Baronet the Member for Tamworth will, I am sure, manfully bear testimony to the laborious and conscientious discharge of his duty by Sir John Newport all through his career. No man was ever more respected by his countrymen than Sir John Newport, because he was honest and useful; and they will not fail to receive the motion of the Honourable Member as a vote of censure on their tried friend. Will the House, then, pass that vote on an aged man sinking into the grave? If it do so, it will accelerate the death of one of the best public servants the country ever possessed. Sir John Newport continued to represent the city of Waterford for a period of twenty-six years; and though he was a Whig, and the great majority of the electors for a large portion of that time were Tories, yet such was the respect for Sir John Newport's character and services, that he was returned without opposition on many occasions. I hope, therefore, that the House will reject this vote.

Mr. O'CONNELL. — I do not intend to detain the House; but I feel called upon to protest against that part of the speech of the Honourable Member for Westminster, in which he has assailed Lord Monteagle. It is open for the Honourable Member to attack Lord Monteagle; and I am not here to defend that Noble Lord from any fair assault; but what I complain of is, that the attack on that Noble Lord was made the ostensible object in order to wound, covertly, the feelings of a person totally unconnected with him. Is there any vote of censure on Lord Monteagle before the House? There is not. Therefore the motion in itself is as idle and vicious as one well can be which goes to fix a stain on the character of an aged and respectable man, and an excellent public servant. The intention of the motion, I am bound to believe, was different; but such would be its real effect. I therefore complain of mixing up the case of Sir John Newport with that of Lord Monteagle. The question before the House clearly is, whether Her Majesty's Government should not be censured for consenting to the arrangement by which Sir John Newport had been allowed to retire from the Comptrollership of the Exchequer, and for giving him a pension on the Civil List. The Honourable Member for Westminster has talked a great deal of Whig jobbing; but he forgot to state that, by this arrangement, the public will not have to pay one penny more than they had paid — previously to it. No: that would not suit the Honourable Member's purpose. But although there may be such a thing as Whig jobbing, there is also such a thing as Chartist cant; and the language of the Honourable Member for Westminster, when he talked of a saving to the public, — when saving there was and could be none, — seemed to indulge in something very like it. But, after all, is Sir John Newport a man to be charged, as with a crime, for taking a pension in his old age, when worn out in the service of the country? As the motion is shaped, such is its import; and it therefore becomes purely personal to that excellent individual. It is not, as I have said, an attack on Lord Monteagle, so much as on a feeble old man, who has spent his best days in the public service, and from whose conduct, public or private, no one can withhold the tribute of his admiration and esteem. What have been the public benefits effected by Sir John Newport's efforts? It was by his means that the information was produced on which Ministers were enabled to abolish that most fertile source of discord in Ireland — church-rates; and if only for that service alone, he deserved the highest degree of gratitude and reward which the country could confer. There were many other services performed by him of equal importance; but as I have promised not to detain the House, I shall not now enter on them. I repeat my strong protest against the plan adopted by Honourable Gentlemen opposite, of attacking one person under cover of the name of another, and of mooting one topic, the better to wound by one of a different character; and I implore the House not to lend itself to this insidious system, nor to sanction the stain intended to be cast on the character of that venerable and most excellent man Sir John Newport, now fast sinking into a timely grave.

SIR J. GRAHAM. — After the two last speeches which have been addressed to the House by the Honourable Gentlemen opposite, I can remain no longer silent. I can assure the House, that if I thought this motion would, either directly or indirectly, imply a censure upon Sir John Newport, no individual in the House would give it a more strenuous opposition than I would. Having known Sir John Newport for very many years, I cannot call to my recollection any public servant more honest, faithful, independent, and generous in the performance of his duties. But besides these considerations, it has been stated, upon authority, that Sir John Newport's affairs are now in an embarrassed state. I consider that the sorrows of a good man are sacred, and I should be the last to say anything calculated to wound his feelings; and it is, therefore, with peculiar pain that I take part in this discussion at all; lest, by chance, anything should fall in the course of it calculated to inflict pain on that individual. I beg to declare that I acquit Sir John Newport of all blame in this transaction; but I do accuse Her Majesty's Ministers of exposing that gentleman to unmerited obloquy, and placing him in a most painful situation. But, at the same time, I cannot let my private feelings interfere with the performance of my public duty; for I should be ashamed to allow any private considerations to restrain me from expressing my opinion relative to this transaction, now that it has been forced upon public notice. I differ in opinion with many parties in this House upon this subject. I was a consenting party to the resolutions of 1832, on which the Pensions Act was framed; but I cannot say that I adopted those resolutions in all respects with any very strong predilection. I saw many strong objections to them. I thought, and still think, that when a statesman has laboured long and hard in the public service, and has become advanced in years, and, perhaps, embarrassed in his circumstances, there should be some harbour of refuge to which he might retreat from political conflict, alike out of the reach of the cold ingratitude of friends, and the bitter animosity of enemies. The Throne, I think, should be the fountain of honours and rewards, as it is the seat of mercy; and I consider that some sum should be placed at the disposal of the Crown, for the reward of acknowledged merit, and the relief of acknowledged distress. With these feelings, therefore, if instead of appointing Sir John Newport to the Comptrollership of the Exchequer, the Government had at that time recommended His late Majesty to grant him a pension for his past services, — whatever might have been the conduct of others on the occasion,—I, for one, would not have offered one word of objection. I beg, in passing, to observe, that Lord Monteagle presided over the Committee at which the resolutions were come to on the subject of pensions. I was not a member of that Committee; but I see opposite several Honourable Members who were; and they can tell the House what took place there,—what was the amount of the pensions contemplated by the Committee out of the limited allowance of 1200*l*., and what were the classes of persons to whom they were to be given. I see the Honourable Member for Kilkenny opposite; and that Honourable Gentleman will, no doubt, before this debate concludes, state to the House his recollection upon these points. Now, for my part, taking the Act of 1834, and the Pensions Act, I am bound to say that this transaction appears to be utterly subversive of the independence of the Comptrollership of the Exchequer, and a direct violation of the Act, as to pensions to official persons. It will be in the recollection of the House, that when I was pressing forward the measure for the regulation of the offices of the Exchequer, I was taunted by several Gentlemen who then sat opposite, but whom I now see by my side, and, more particularly, by the Honourable Member for Harwich, that, by abolishing the double check, which was done away with by extinguishing the office of Clerk of the Pells, I should be rendering the Comptroller of the Exchequer the sole check upon the disposal of the public funds. To this I answered, that, by throwing the whole responsibility of that office upon a single individual, I considered that I insured its more efficient discharge, than if I divided it between two persons, provided I could succeed in insuring the entire independence of this sole officer, and placing him beyond the influence or control of the Crown.

Now, with regard to what the Honourable Member for Westminster has said about the office of Clerk of the Pells. Mr. Ellis was Clerk of the Pells at the time that I refused to retain that office. But I at that time gave a solemn pledge, on the part of Lord Grey's Government, that, as Mr. Ellis, in consideration of his vested interest in that office, was entitled, not to a pension, but to compensation as for an office for life, on the first occasion of a vacancy occurring in an office which that gentleman could be called upon to accept, it should be offered to him; and he, at the same time, gave a pledge, on his part, that upon such an office being offered to him, he would accept it. This assurance, on the part of Mr.

Ellis, was afterwards repeated to the head of the Government, and that in the warmest terms, by that gentleman himself, who said he did not wish ever to be looked upon in the light of a pensioner on the public; that he was anxious to be actively employed; and that he would take any office the duties of which he was adapted to discharge. When the Right Honourable Baronet the Member for Tamworth came into office, in 1834, the Duke of Wellington, who formed part of that Administration, although not bound by this pledge on the part of a previous Government, proceeded to fulfil it. He offered to Mr. Ellis an appointment to Persia, for which he considered him in every respect well adapted. The appointment was accepted by Mr. Ellis; but, before he had time to leave the country, another change took place in the Administration of the country, and that gentleman's appointment was changed from one of a permanent character into one of a mere complimentary nature; upon which he was only ten months engaged; and he has been ever since that period unemployed, and in the receipt of 1400*l.* a-year, without any performance of duties, and very much against his inclination. With respect to the appointment of Sir John Newport to the Comptrollership of the Exchequer, I am free to confess that, although, as has been truly said by the Noble Lord the Member for Yorkshire, I stated no objection to that appointment at the time, I thought it from the first an injudicious appointment. I considered that Sir John Newport was, at the time, seventy-eight years of age; and that he had, four or five years previously, retired from public life, — the reason for which was openly assigned, — namely, that his health had failed, and that he could not live in London, and wished to retire to his native country. Now, it may be asked, why I did not make this objection at the time? I frankly confess, that, entertaining, as I do, the highest respect for Sir John Newport, I have no doubt that the right honourable gentleman had in his mind the intention of strictly fulfilling the duties of his office, and executing, to the best of his ability, the high control over the finances of the country which it imposed upon him. It should be recollected, that the Act of Parliament regulating this office not only guaranteed its independence, but so studiously was this object observed, that by the Pensions Act, passed six weeks afterwards, this office was expressly and designedly excluded from any claim for a pension or retired allowance. It was also alleged, at the time, that the office would be a sinecure; but I was prepared to meet this objection, and I said I would take care it should not be so; for that an opportunity should be given to Parliament, annually, of stopping the salary in Committee of Supply, if it appeared that the party holding the office did not execute the important duties of it in person. With these views and intentions respecting this office, although, out of respect to Sir John Newport, I did not cavil at his appointment to this office at the time it took place, I certainly thought it an objectionable appointment.

Now, with respect to the particular charge before the House; although the Noble Lord the Member for Yorkshire sneered at the latitude of the scepticism of Honourable Gentlemen on this side of the House, I must say that the Noble Lord's explanation, so far from allaying, has only increased, the suspicions which I entertain on the subject. It appears that, in the month of April, 1839, Sir J. Newport had notified to Her Majesty's Ministers that he was unable to perform the duties of his office, and wished to retire into private life in Ireland. Other persons were then thought of to fill the office, and amongst others the Noble Lord, Monteagle, who, however, at that time was aspiring to that chair which you, Sir, now so worthily fill. The Government were aware of the inability of Sir J. Newport to fulfil the duties of his office in April, 1839. On the 27th of May, I believe, the Speaker was elected; but still the Comptrollership of the Exchequer was left vacant through all the months of June, July, August, and September; until, in short, after the prorogation of Parliament; and then the Government appointed their own colleague, Lord Monteagle. This is not, therefore, an attack upon Sir John Newport; but it constitutes a charge of the gravest character against Her Majesty's Ministers, that they kept vacant, during so many months, an office of which the duties were of so high and important a nature. But what was the object of Ministers in keeping open this office till the month of September? What were the great feats which the Right Honourable Gentleman (now Lord Monteagle) had performed to entitle him to this appointment? It is easy to trace the feats which the Noble Lord the late Chancellor of the Exchequer performed whilst he held that office. I believe that, among the first things which that Noble Lord did, was his omitting to fund Exchequer bills when they were at a high premium, and it might, therefore, have been done with advantage; and that he afterwards funded them when Exchequer bills were very low; so that they have ever since been at a discount. The next thing the Noble Lord did, was to introduce a new mode of bidding for a loan, by a kind of auction, which produced no bidders; when the consequence was, that the Chancellor of the Exchequer was actually laughed at. Then the Noble Lord, when Chancellor of the Exchequer, got a Select Committee appointed to take into consideration a very abstruse scheme which he had devised for dealing with Church property; but when the Noble Lord's calculations came to be strictly examined, the whole scheme exploded, was blown into air, and abandoned. The Noble Lord also appointed a Committee upon the important subject of joint stock banks, which sat three years examining evidence; but the Noble Lord, though Chancellor of the Exchequer, and their chairman, on behalf of Her Majesty's Government, tendered them no advice whatever on this important subject; and, to this day, no Report has been made by that Committee. What was the next feat of the Noble Lord? Why, having so managed the financial affairs of the country, in which, during three years, there had been, year after year, a deficiency, and, at last, an increasing deficiency, he brought forward that notable project by which 1,500,000*l.* of revenue was to be sacrificed,—namely, the penny postage; and then, having announced this great *prôjet*, in despair of being able to carry his own plan into effect, he actually advertised a reward of 200*l.* to any person in the kingdom who would come forward and help him. The last performance of the Noble Lord was, to attempt the renewal of the bank charter of Ireland,—a subject of vital importance,—and to effectuate a scheme by which a saving of 25,000*l.* a-year was to accrue to the public. Well; having developed this important scheme, the Noble Lord, then, as a last act before bidding the House farewell, gave a practical example of the necessity under which he found himself, as Chancellor of the Exchequer, to succumb to the overwhelming influence of an Honourable and Learned Member in this House, whose will it was that the country should not have the benefit of that measure. I have thus traced the public career of this Noble Lord, from the time he became Chancellor of the Exchequer to the period of his late appointment; and I do not see that there is any reason why he, of all others, should be the gentleman for whose convenience this important and responsible office should have been kept open from May till September, 1839. The Noble Lord the Member for Yorkshire has attempted to be facetious on the present occasion, and congratulated himself that this was not the first time when Her Majesty's Ministers had appealed, by wager of battle; or, as the Noble Lord said, "shown fight."

But, I ask, is this really the first time during the Session that the Noble Lord and his colleagues have "shown fight?" They showed fight, once, and were beaten by 104; but that was a trivial affair; and then, the next time they showed fight, they were beaten by 26; and that upon what was no trivial affair at all. The next time they dared to "show fight" was on a question brought before the House by the Honourable Member for Harwich, which the President of the Board of Trade said "it was of the greatest importance to avoid entering into, in the present state of our finances;" and which the Right Honourable Member the present Chancellor of the Exchequer declared to be "one of the most inconvenient motions they could possibly discuss." I hope that, as they have this night also ventured to "show fight," they will find themselves similarly defeated.

[Laughter, and cries of "Hear!"]

The present resolution is said to be "a pointless one!" But I would ask whether this can properly be said of a motion which goes to point out the dangers and disgrace of tampering with an office that regulates and controls the whole revenue of this country,—a resolution, too, which affirms that the Government should not, unquestioned, be permitted to grant pensions for civil services, which it has been declared by statute ought not to be so rewarded from the Civil List? This is a transaction, on the part of the Government, which involves the whole principle of the control of the country,—one simple question; whether an officer, who, as Parliament had declared by a solemn Act, could hold no pension or retired allowance, should, by a strained construction of the Civil List Act, be permitted to retire upon a pension? The object of the resolution, then, is to declare that this promotion should not be drawn into a precedent; and yet this has been called "a pointless resolution!" Upon this point at issue, the Ministers have again "showed fight;" and again, I make no doubt, they will be beaten: and then, if they are not satisfied with that, they must, to use a homely, but well-understood phrase, be "gluttons" indeed! This is no attack upon Sir John Newport, but a direct charge against Her Majesty's Ministers. The resolutions declare that, if this act of the Government were to be drawn into a precedent, it would be subversive of that independence of the office of Comptroller of the Exchequer which Parliament has declared should be incidental to that office; and that is a declaration which I trust the House will not hesitate to affirm. The Noble Lord the Member for Yorkshire has said, however, that this case could not be drawn into a precedent; but I maintain that, by no very strained construction of the resolutions proposed as an amendment by the Noble Lord, Lord Monteagle would be equally entitled, at the present moment, to receive a pension as Sir John Newport was; the sole exception being on the score of advanced age. I am well aware of the import of the words of Burke in the preamble of the Bill, from which the expressions in the Noble Lord's amendment have been drawn, "that it is no disgrace to any person to receive the Royal bounty in the shape of a pension;" but, at the same time, I cannot forget the meaning contained in the appendix, which states that "the several individuals whose names are therein contained shall receive their salaries and pensions at the Treasury, without any deduction for fees." I could, if I pleased, make out a case for a pension for Lord Monteagle, by way of paraphrase on that which has been offered in justification of Sir John Newport, quite as good on the face of it, and really quite as strong and pertinent. It would be very easy to adduce his length of service in Parliament, his fatigue from public business, and the commissions of inquiry that have sprung from his suggestions. And, in conclusion, I doubt not that it would be very easy to induce him to express a wish to retire to Ireland to breathe his native air, —

> Ducere sollicitæ jucunda oblivia vitæ —

on an understanding that he should have a handsome addition to his income, and that a friendly successor should be installed in the same position, who would not interfere with the control of the Exchequer. If the arguments of the Noble Lord's opponents be good for anything, this case must be admitted in the way of a precedent in future. I therefore feel the necessity of pressing this resolution, as the only way which is left to the House of preserving the independence of the high office of Comptroller of the Exchequer safe and unstained, and of saving the country from the dangerous consequences of this transaction.

LORD JOHN RUSSELL. — Sir, I came down to the House prepared to defend an act of my Noble Friend against the somewhat fine-drawn resolutions moved by the Honourable Gentleman opposite. But, instead of having this task to perform, I see that the Right Honourable Baronet opposite, who has just sat down, wishes to blink this question, and to use the resolutions, which entirely concern the pension granted to Sir John Newport, and the Comptrollership of the Exchequer, as a means of attacking the Noble Lord who was late Chancellor of the Exchequer, and who is not now in his place to defend himself. I do not feel it necessary to enter into a defence of my Noble Friend's conduct, because it does not properly come before us; but I certainly was surprised at the attack which has been made, because I remember that the Right Honourable Gentleman (Sir James Graham) was, for a long time, a Member of that Cabinet under which Mr. Spring Rice was an able and efficient and indefatigable Secretary to the Treasury; and I should have thought that the Right Honourable Gentleman would have recollected, with some gratitude, the able, zealous, and eloquent speeches which Mr. Spring Rice made in defence of that Government, when the Right Honourable Gentleman so often shrunk from his duty in maintaining its acts. I should have thought, certainly, that the Right Honourable Gentleman would not have altogether forgotten those services, or failed to call to mind how much that Government, of which he was a member, in a very high office, and for which he said so little, owed to the very able and efficient speeches made by the then Secretary to the Treasury; and that he would have, at least, been inclined to spare a man not now present to answer him. But if those speeches and services, both official and parliamentary, — all of them showing, not only great zeal and industry, but great ability likewise, — produced no impression on the Right Honourable Gentleman, they did produce an impression on the Noble Lord at the head of the Government; because the Noble Member for Lancashire no sooner resigned the office of Secretary to the Colonies, than Lord Grey thought he could place the seals of the Colonial Office in no better hands than in those of the Noble Lord whom the Right Honourable Gentleman, when no question was before the House as to his conduct, thought fit to censure in such done with advantage; and that he afterwards funded them when Exchequer bills were very low; so that they have ever since been at a discount. The next thing the Noble Lord did, was to introduce a new mode of bidding for a loan, by a kind of auction, which produced no bidders; when the consequence was, that the Chancellor of the Exchequer was actually laughed at. Then the Noble Lord, when Chancellor of the Exchequer, got a Select Committee appointed to take into consideration a very abstruse scheme which he had devised for dealing with Church property; but when the Noble Lord's calculations came to be strictly examined, the whole scheme exploded, was blown into air, and abandoned. The Noble Lord also ap-

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tell me that a resolution of this House, of the nature of that proposed, does not impute blame to, and will not be received as a severe blow by, him, in the decline of his life, after so many services to his country. Sir, I will venture to say that I do not think there is one person now receiving a pension from the Civil List, or from the public in any other shape, on account of great civil services, — (I do not, of course, mean to compare these with the exploits of naval and military commanders), — whose character and public services, both as to the length of those services, and the various modes of them, have so well entitled him to such a reward as Sir John Newport, — that pension being in itself extremely moderate in amount, considering the person to whom it is given. Now I say this, ng back to all those various services

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est benefit to both countries. In company with Mr. Elliot and Mr. Ponsonby (who have now departed, but I name them with the same honour as I mention Sir John Newport), he was nominated on a Committee to inquire into the state of public education. In fact, I do not go too far when I say, that ten or twelve Acts of Parliament have been passed, on the suggestion, solely, of Sir John Newport. Now, it does appear to me, that when all the circumstances of this grant are considered, — when his services in an office, the duties of which he performed with great ability, are called to mind, — considering that he not only submitted important measures to Parliament, but that they were adopted by Parliament, — and that, after the course of a long life, having attained a great age (between 80 and 90), he finds himself in narrow and reduced circumstances, — putting all these facts together, they form a ground — and a fully sufficient one — for the pension which has been bestowed on such a man. Now, I must compare this pension with those granted to others on the ground of official services. Mr. Warre and Mr. Hobhouse, Mr. Courtenay and Mr. Hamilton, receive pensions to the amount of 1000*l*. a-year; Mr. Lushington, Mr Croker, and Mr. Planta are paid 1500*l*.; Lord Auckland and Mr. Goulburn have each, pensions of 2000*l*. a-year; Lord Bexley has 3000*l*.a-year. I shall only mention another, — Lord Sidmouth, who honourably and manfully gave up the pension to

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The Right Honourable Gentleman has said that we have forced on this discussion. I should like to know how it has been forced on, but by the persevering attempts and continual misrepresentations put forward by those who belong to the present party of the Right Honourable Gentleman. Such he considers a becoming manner in which to treat a public servant of eighty-four years of age! In the present Session, had it not been for the Honourable Member for North Durham, I know not whether this would not have passed in the same way as the various other pensions granted by the Right Honourable Member for Tamworth, and by the present First Lord of the Treasury. I heard the Right Honourable Gentleman say there was something exceedingly suspicious in Sir John Newport having expressed a desire to retire in April, and in the present arrangement not having then taken place. Here I must be allowed to
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The Right Honourable Gentleman next alluded, and the Honourable Member for Westminster also referred, to Mr. Ellis. Why, a Bill passed through the House on that occasion, and I remember Lord Althorp observing to me, that if any question were asked on the subject, it would be most painful to him to answer it; because Mr. Ellis was a near relative to our then colleague, Lord Ripon, and he should be obliged to say that he could not recommend Mr. Ellis for the office. In so saying, Lord Althorp merely did his duty as Minister of the Crown; because, whatever might be the considerations of economy, I do not imagine that a Minister was bound, by such views, not to recommend a person qualified for the office. In our selection of you, Sir, for that chair, I am sure we did not consider whether we should make a saving of any pension by our choice; but we were resolved to give your high office to the fittest person; and if we have harsh terms. In that course, Lord Grey thought himself justified, and Lord Melbourne thought himself justified, by the conduct of Lord Monteagle in the situation which he then held; and this I am sure of, — that, if the Right Honourable Gentleman had ventured (which I am sure he never did) to make such an attack as he has indulged in to-night on my Noble Friend's conduct of the financial affairs of the country, in the presence of my Noble Friend, he would have met with an answer which would probably have deterred him from repeating it. But if the Right Honourable Gentleman thought it safe to refrain from impugning the services of my Noble Friend when he sat on these benches, and was selected for office by Lords Grey and Althorp, it was still more safe to make a laboured attack against a man who is now a Member of the other House of Parliament.

But, Sir, the question before the House does not relate to the financial conduct of the affairs of the country during the last Session. I will not be led into it by the taunts of the Right Honourable Gentleman, and his evident and anxious wish to escape the question which his Honourable Friend has brought forward. That question is, whether the Government was justified in granting a pension to Sir John Newport? That question, I must say, does, however the Right Honourable Gentleman may deny it, involve the character of Sir John Newport; because, if, though of great age, and in an infirm state of health, yet being still in the perfect possession of that right understanding which enabled him to judge of the constitution of his country and of its public concerns, he accepted knowingly and wilfully a pension to which he was in no way entitled, and which he obtained in violation of the Acts on the Civil List pensions, — no one will tell me that a resolution of this House, of the nature of that proposed, does not impute blame to, and will not be received as a severe blow by, him, in the decline of his life, after so many services to his country. Sir, I will venture to say that I do not think there is one person now receiving a pension from the Civil List, or from the public in any other shape, on account of great civil services, — (I do not, of course, mean to compare these with the exploits of naval and military commanders), — whose character and public services, both as to the length of those services, and the various modes of them, have so well entitled him to such a reward as Sir John Newport, — that pension being in itself extremely moderate in amount, considering the person to whom it is given. Now I say this, looking back to all those various services which my Noble Friend has gone through, and which I shall not attempt to refer to in the same detail; but let me, in the first place, observe, that a great change must be effected in public affairs, if the custom (which the practice of late years has, perhaps, a tendency to establish) is to prevail, that, in future, not only the great parliamentary pensions, but those under the control of the Crown, are to be governed exclusively by the amount and length of official service. I really think it very possible, with regard to the favour of the Crown, that a person may in six months, or in a year, perform services and accomplish benefits for his country which another in the course of twenty years may not be enabled to do.

Now, let us see what are the claims of Sir John Newport. He instituted inquiries into the state of our revenues, which he afterwards followed up by practical reforms. He cut off many abuses in the Excise, and removed the sources of corruption in that department. He proposed and carried through Parliament an Act, allowing a free trade in corn between this country and Ireland, which has proved of the greatest benefit to both countries. In company with Mr. Elliot and Mr. Ponsonby (who have now departed, but I name them with the same honour as I mention Sir John Newport), he was nominated on a Committee to inquire into the state of public education. In fact, I do not go too far when I say, that ten or twelve Acts of Parliament have been passed, on the suggestion, solely, of Sir John Newport. Now, it does appear to me, that when all the circumstances of this grant are considered, — when his services in an office, the duties of which he performed with great ability, are called to mind, — considering that he not only submitted important measures to Parliament, but that they were adopted by Parliament, — and that, after the course of a long life, having attained a great age (between 80 and 90), he finds himself in narrow and reduced circumstances, — putting all these facts together, they form a ground — and a fully sufficient one — for the pension which has been bestowed on such a man. Now, I must compare this pension with those granted to others on the ground of official services. Mr. Warr and Mr. Hobhouse, Mr. Courtenay and Mr. Hamilton, receive pensions to the amount of 1000*l.* a-year; Mr. Lushington, Mr. Croker, and Mr. Planta are paid 1500*l.*; Lord Auckland and Mr. Goulburn have each, pensions of 2000*l.* a-year; Lord Bexley has 3000*l.* a-year. I shall only mention another, — Lord Sidmouth, who honourably and manfully gave up the pension to which he was entitled. But then, it is said, these pensions have been granted under an Act of Parliament. Now, I do not think it a sufficient claim to a pension that a man has served a certain number of years in office, without doing anything remarkable, or performing any essential service. Well, then, it is to be considered whether there are any grounds on which a person can be recommended to the Crown for a pension. As there certainly are such grounds, the question arises, who are to be the judges of the qualifications entitling a person to such a recommendation? I say, the First Minister of the Crown can best know whether a person has performed his services in such a way as to justify the grant of a pension. I own, that all the pensions to which I have referred may be questioned. I admit, if I were asked what Mr. Croker had done to call for a pension, I could not give any reasons for the grant; but I think such things are very properly placed in the hands of the Crown; and no doubt the Minister of the day advised this pension, not merely because Mr. Croker was a Secretary of the Admiralty for twenty years, which may be a very agreeable occupation, but because he rendered essential service to his party, — services of the value of which I may entertain a different opinion. I am of opinion, therefore, that the Crown, being granted a certain amount on the Civil List for those purposes, with regard to such as have served the Crown (as to those who have not, that is another question), the Prime Minister is the proper person to give advice as to who shall receive pensions. Undoubtedly, as Mr. Burke said, all those pensions are subject to the control of the House of Commons. On any one of those pensions, the House may give its advice; but I don't think a calm opinion would be arrived at by Parliament, each individual voting, as he would do, according to party. I may consider those things services which would not be viewed at all in that light by those opposite. For instance, I may consider the formation of a national board of education in Ireland a great advantage: those opposed to me may look upon it as an injury. It is, therefore, far better not to make such questions or such services the subject of debate.

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Now, having gone through the reasons for this grant, none of which have been shaken, I think it right to say, that it is not desirable, as a general principle, that the Comptroller of the Exchequer should look forward to a pension on the Civil List, or any other fund; but I do contend that the circumstances of Sir John Newport — his varied and long services, his great age, and the state of his pecuniary affairs — entitle him to a pension. The Right Honourable Gentleman, in the course of his speech, in which he alluded to many subjects, because he seemed glad to touch any topic rather than the resolution, which does not appear to attract a very warm support from his party, spoke of the Government "showing fight." The Right Honourable Gentleman referred, also, to two questions on which the Government was left in a minority; but there was another question which the Right Honourable Gentleman entirely omitted. There was an Honourable Baronet who seemed disposed, early in the Session, to lead a regular onset against the Government; on which the Government did not refuse to "show fight;" and on which the Right Honourable Baronet and those who thought with him produced all that could be ransacked for the last three or four years, and which ended, after all, in nothing more than in the appointment of some three magistrates, and in some promotions of which they did not approve. No French cook could cater for an epicure, denied the use of meat, with a more plentiful supply of meagre condiments. They had very little to say; and a great deal of what they did charge on us recoiled upon themselves; but the result was, that after four nights' debate, they were completely discomfited in every point. That was a question, not for the production of a Return. It turned upon no meagre and gingerly-worded resolution, but on a plain vote of want of confidence. I really thought the party opposite had made up their minds to this resolution, —"We don't mean to harass you on little points; we don't mean to snatch a vote here and there against you; but we shall submit a proposition perfectly intelligible, — that the House has no confidence in the Government, but only in the Tory party." To that proposition an answer unfavourable to those opposite was returned; and this, and all such other attempts, made by just such a contrivance as hurting the feelings of an old man, only show how forgetful those opposite now are of the reckless profusion which characterised their government; a state of oblivion in which, I am persuaded, neither this House nor the country participate.

SIR R. PEEL. — Sir, however pointless, however spiritless, and however gingerly worded, the Noble Lord may deem the resolution of my Honourable Friend, he has given conclusive proof that he does not consider the speech of my Right Honourable Friend who preceded him as either gingerly, spiritless, or pointless. It seems to have had the effect of completely obliterating the recollection of the Noble Lord, not only of the services rendered to him and his party by my Right Honourable Friend, but of the unvarying testimony which has been borne by the Noble Lord himself to the value of those services. Has not the Noble Lord declared that the day of separation between himself and my Right Honourable Friend was one of the most painful days of his life, on account of the proofs which my Right Honourable Friend had given of the value of those services which the Noble Lord thinks it decent now to decry. The Noble Lord has said, to-night, that my Right Honourable Friend, when one of his colleagues, and a member of the Government of Lord Grey, shrunk from his public duty. Such was the expression of the Noble Lord, after the reiterated testimony to which I have referred of the estimation in which he held the services and character of my Right Honourable Friend. Is there the slightest foundation for the assertion that my Right Honourable Friend ever shrunk from his duty as a member of the Government? Who was selected as the associate of the Noble Lord in his preparation of the Reform Bill? Was it not my Right Honourable Friend? And does the Noble Lord, now, with his impressions of reform, deny the services which my Right Honourable Friend rendered on that occasion? Does the Noble Lord deny the services of my Right Honourable Friend as First Lord of the Admiralty?

LORD J. RUSSELL.—No!

SIR R. PEEL.—"No," says the Noble Lord. Then what does the Noble Lord mean by saying, that my Right Honourable Friend shrunk from his duty as a member of the Government of Lord Grey? Who reformed the civil departments of the navy? Who was it that took credit for the great saving in the navy estimates during the government of Lord Grey? Why, the whole of that Government; and can they deny that the whole merit of it was due to my Right Honourable Friend?

LORD J. RUSSELL.—Hear, hear!

SIR J. GRAHAM.—Oh, oh!

SIR R. PEEL.—Oh,—I am reviving in the Noble Lord's recollection, some sense of my Right Honourable Friend's services. Why, this very debate might have recalled to the Noble Lord's recollection some of his services. Who was it that reformed the Comptrollership of the Exchequer? Who was it that, burdened as he was with the laborious office of First Lord of the Admiralty, found time to extend his inquiry into the whole department to which I have referred? Who was it that altered the regulations of pensions granted for civil services? It was my Right Honourable Friend, whom the Noble Lord, forgetting all his own past acknowledgments of public services, has charged with shrinking from his duty! I will tell the Noble Lord what my Right Honourable Friend shrunk from. He shrunk from office, in vindication of his principles. Rather than consent to the principle involved in the appropriation clause,—that clause by which I was deprived of the office which I held at a subsequent period,—my Right Honourable Friend shrunk from office; and, perhaps, the place which my Right Honourable Friend now occupies, from his adherence to principle, and the fate of the appropriation clause, may account for the irritation with which the Noble Lord just now addressed the House. The Noble Lord, in the course of his speech, alluded to the pensions that had been granted to other individuals, and read a list of them. The Noble Lord must surely know the complete distinction between pensions granted to holders of office, by virtue of an Act of Parliament, after a prescribed length of service, and a pension granted from the Civil List: and, notwithstanding the complaint which the Noble Lord has made of my Right Honourable Friend, for referring to the conduct of Lord Monteagle in his absence, yet the occasion was too tempting for the Noble Lord to refrain from introducing the name of Mr. Croker. "In the absence of Mr. Croker," the Noble Lord said that, although he admitted twenty years of official service, he could not, for his very life, conceive what was the nature of the service that entitled him to a pension. Allow me also to retort, that if the Noble Lord, during that long period of twenty years, had made that remark in Mr. Croker's presence, "he would probably have received such an answer as would have made him unwilling to repeat this assertion." But that pension, and the pensions granted to Mr. Planta, Mr. Hobhouse, and others, stand upon perfectly distinct and separate grounds. The power of the Crown to grant these pensions was conferred, upon the abolition of certain sinecure offices of much greater amount, to which the Crown had been entitled; and in consideration of its abandonment of those sinecure offices, the Crown had the power, after prescribed lengths of official service, to grant certain pensions. And I think it rather ungrateful of the Noble Lord, who must have had the means of estimating the services of men in departments comparatively subordinate, although they may not have been able to enter into the political contentions of the House, to make so light of services extending over a period of twenty years, during which, their best faculties have been devoted to the service of the state. The Noble Lord has complained, that we wish to draw the attention of the House from the subject before it. Now, I assure the Noble Lord that I have no such wish; and that, encouraged by his precept, rather than by his example, I will apply myself to the only question presented for our consideration. And I must again repeat, that I should be the last man to contest the merits of Sir John Newport. I admire the integrity of his character. He has rendered services to the country which would make me unwilling to deprive him of any reward to which he is entitled, and still more unwilling to embitter the remaining years of his life, which I hope may be long protracted, with as much comfort and ease as it is possible for him to enjoy. I should be very unwilling to make use of one offensive word towards him. But, Sir, the Noble Lord must not shelter the Government under the character of Sir John Newport. The Noble Lord (Lord Morpeth) has talked of "showing fight;" and when a question arises as to the public conduct of the Government, what is the answer? "Don't question us, for fear you may embitter the last years of the life of a worthy and respectable gentleman." Now, the conduct of the Government is open to question. If our comments have any such tendency, they are the responsible parties; and it is the most absurd doctrine, that we are not to question the conduct of an executive Government, for fear that some pain may be inflicted upon an individual who has been in the receipt of a pension, the granting of which is a perfectly legitimate subject for discussion. But let us consider the present question. The resolutions of my Honourable Friend affirm two principles: first, that the office of Comptroller of the Exchequer, on account of the peculiar nature of its duties, ought to be independent of the Crown. Can any man deny that principle? Can any man deny that the object of Parliament has been to preserve that office specially and peculiarly from any dependence on the Crown? Why, what says the Act of Parliament, which was brought in by my Right Honourable Friend, the founder of the office now in question for the regulation of official pensions? It permitted pensions to be granted for length of service in various departments of the state, but there is one particular office which is expressly excepted, and only one.

The CHANCELLOR of the EXCHEQUER.—No, no!

SIR ROBERT PEEL.—I am aware that other offices, by classes, are excepted by the Act; but, I repeat, that the only office, specially excepted, is this particular office of Comptroller of the Exchequer. I am referring to the 15th clause, which provides that the Act shall not be construed as extending a right to pension or superannuation allowance, on the part of any officer of His Majesty's courts of Westminster Hall, or of any of His Majesty's courts of justice elsewhere; and then we come to an office which is specially named and specially excepted; and what is that office? It is this, and this alone,—"or the Comptroller of His Majesty's Exchequer." Was I not warranted, then, in saying that, specially, and by name, there was one office, the holder of which was not entitled to receive a pension? What could be the meaning of that special exception? What but this, —that that officer should be kept not only independent of parties, but, being the sole check upon the issues of the public money from the Treasury, that he should also be kept independent of the Government and of the Crown. It is plain that, under the terms of the Act, the Crown was not entitled to give a pension to this officer. The Act contains another provision, which is somewhat analogous: it declares that the Crown shall not be entitled to appoint the Comptroller of the Exchequer to any other situation held at the pleasure of the Crown, and that that officer shall be removeable, not at the will of the Crown, but only upon an Address from either House of Parliament. Can there be a more distinct proof that the intention of Parliament was, that the Comptroller of the Exchequer should not look to the Crown for favour or promotion of any kind whatever? What, then, has been done? The Crown, according to the provisions of the Act, could not grant a pension. How, then, has it been obtained? Why, it has been granted out of the Civil List. The Noble Lord says that he thinks this pension ought not to be drawn into a precedent. The Noble Lord admits that. Either the Noble Lord differs from the resolutions moved by the Honourable Member for North Durham (Mr. Liddell), and thinks that there was no impropriety in making the grant of this pension out of the Civil List; or else he thinks that the case is questionable, and ought not to be drawn into a precedent. If the Noble Lord holds to the first of these propositions,—if he thinks that the grant is defensible,—if he thinks that the holder of this office is entitled to a pension,—why does he not meet the resolutions with a direct negative? The Noble Lord does not venture to take that course, but chooses to move two other resolutions which he asks the House to adopt. Surely the Noble Lord cannot be serious in asking the House to assent to the first resolution, which quotes the preamble of one of the clauses of the Act 22 Geo. III., and finishes the quotation by an "*et cætera*," and then proceeds to assert, "that this limitation"—no limitation being mentioned in the quotation—"that this limitation to persons in their distress, or for their desert," not having proved a sufficient check on the grant of unmerited pensions; this House, in the year 1834, entered into certain resolutions concerning pensions." Now, in point of fact, the Act of Geo. III. imposes no limitation. Let us be accurate in our quotations. The Act of Geo. III. does this: — it especially provides that until the gross amount of pensions shall be reduced below a certain sum, no pension of more than 300*l*. a-year shall be granted to any individual, nor any of more than 600*l*. a-year in the whole; and that an account of these pensions shall annually be laid before Parliament. But when the gross amount of pensions shall have fallen below 90,000*l*. a-year, then the unlimited discretion of the Crown to grant pensions is to revert, subject only to the obligation of annually laying before Parliament an account of the pensions granted. Not a word is said about limitation. If the Noble Lord will read the speech made by Mr. Burke upon the occasion, he will find that that statesman said that "he could not control the exercise of the prerogative of the Crown, but that he would limit the amount. There should not be the power of granting more than 60,000*l*. a-year."

AN HONOURABLE MEMBER. — 90,000*l* a-year.

SIR ROBERT PEEL. — Yes: it is 90,000*l*. a-year in the Act; but Mr. Burke, in his speech, spoke of 60,000*l*. a-year as the limit. But, provided the pensions fall below 90,000*l*. a-year, there is no limit whatever. Surely the Noble Lord cannot be serious in asking the House to adopt his first resolution. I have no objection to the substance of it; but, before the Noble Lord wishes us to assent to it, I think he will see the propriety of giving it such a shape and form as shall not bring us into discredit for entering it upon the Journals of the House. But the second resolution is the more material one. The Noble Lord says that this ought not to be drawn into a precedent. Now, we do not propose to deprive Sir John Newport of his pension; and I would say, at once, that if he were deprived of it, and it should be proposed, in consideration of the particular circumstances of his case, and the expectations held out to him, that he should be provided for by a special vote of Parliament, I would vote in favour of such a proposition. Allow me to observe, however, that I am surprised at the terms of the Noble Lord's resolution; because I was the person who stated, the other night, that I thought, in special and particular cases, Parliament ought to be appealed to, and the Honourable Gentleman the Member for Kilkenny was one of the very first who assented to that opinion.

MR. HUME. — No, no!

SIR ROBERT PEEL. — I certainly thought so. It is possible that I may have been mistaken; but it appeared to me that the Honourable Gentleman assented to my proposition, and spoke in support of it with unusual enthusiasm. Notwithstanding what has been said by the Noble Lord, I retain my opinion, that in cases where individuals have performed such special and peculiar parliamentary services as shall appear to entitle them to a pecuniary reward, it is better that that reward should be given by Parliament, than that it should be conferred by the Crown. If services have been rendered in Parliament, let Parliament be the judge of their worth, and determine the remuneration that shall be afforded for them. I am surprised that the Noble Lord, when he was preparing his resolution, did not recollect the case of Mr. Grattan. Mr. Grattan's services were not rewarded by the Crown, but by a vote of Parliament. Mr. Pitt's debts were provided for by a vote of Parliament. Be it observed, however, when I say that I think that Parliament ought, in special cases, to make provision for parliamentary services, I think that those circumstances ought to be so peculiar and so extraordinary, that no mere majority of a Member's own party should be entitled to vote it, but that there should be a universal recognition, on the part of the House of Commons, that it is a special case, and entitled to exemption from the general rules. I am not afraid of the abuse of that rule. I think it much more likely that the Crown, by making a grant, might obtain an influence over an active parliamentary opponent, than if the matter were left entirely to the bounty and liberality of the House.

So much for the principle that the office of Comptroller of the Exchequer ought to be independent. But what did we do in 1834? We provided that the whole amount of pensions which the Crown should have the power of granting for the reward of literary service, for scientific distinction, and for services rendered to the Crown, should be 1200*l*. a-year. That was the limit; — and what have you done? Why, you have granted, at one swoop, five sixths of the whole of this sum for parliamentary service! I say that that is contrary to the intention of Parliament. And now let me appeal to every man in the House. I put this question to those who are politically opposed to me:—Suppose, when I came into office in 1835, with the resolution of the House, limiting the grant of pensions to 1200*l.* a-year, fresh in the mind of every one; — suppose at that time I had done what you have done; — suppose I had taken five sixths of the whole of that sum and had granted it to some Gentleman on this side of the House who had devoted himself to the public service in Parliament, but had not held office long enough to entitle him to a pension under the Act of Parliament; — suppose I had created a vacancy in this very office, which ought to be independent of the Crown, by granting a pension to the person who had hitherto held it on condition of his retirement; — suppose I had facilitated some political arrangement by putting a friend of mine into the office; — suppose I had done this: I ask you whether, by an immense majority from your side of the House, you would not have condemned such an act on my part in much stronger language than is employed in any part of the resolutions moved by the Honourable Member for North Durham? Would you have contented yourselves with a simple declaration that such an act ought not to be drawn into a precedent? Would you not have said, "This is a violation of the independence of the office of Comptroller of the Exchequer; this is an absorption, for party and political purposes, of five sixths of the whole sum allotted by Parliament for the reward of every species of merit?" and the most moderate resolution that I should have expected,— which would have been carried with acclamation, if you could have carried it at all, — would have been, not a resolution merely declaring that this act of mine should not be drawn into a precedent, but an humble Address to the Crown, praying that I might forthwith be removed from office, for having been guilty of such an enormity. That, undoubtedly, is the course that you would have taken. I ask you to maintain at least so much of consistency as to vote, to-night, that such an act ought not to be drawn into a precedent. The Noble Lord says it cannot be. Do not you trust to Ministerial declarations. The power of jobbing *in posse* is immense. You can hardly put a limit to the possibility of what can be done. If you will only convert the "cannot" into "ought not," — if, instead of considering what "cannot be done," you will prescribe what "ought not to be done," it is possible that your deliberations may attain some useful end. If you assent to the resolutions of my Noble Friend, I will prove that this cannot and will not be drawn into a precedent. If you assent to the amendment, I will prove to you that you are going to recognise a power on the part of the Crown to grant a pension of this kind.

In the first place, with every respect for the character, and every acknowledgment of the services, of Sir John Newport, I hope that the House will not establish the precedent of coming to a vote in favour of a civil officer, couched in ten times more glowing terms than any previous vote ever accorded to men of the highest possible distinction, whether civil or military. You did not do this in the case of Mr. Fox. You did not do this in the case of Mr. Pitt. I do not recollect one single instance in which the House of Commons has put upon record such a recognition of public service as that now proposed. This opens a great question. Sir John Newport is complimented in these glowing terms, because he was Chancellor of the Exchequer in Ireland for a period of thirteen months, — because he was Comptroller of the Exchequer for several years, — and because, whilst he was in the first of these offices, "he exerted himself to the utmost to restrain useless expenses." When the Noble Lord speaks in such fervid terms of this special service, — this exertion to restrain useless expenses, — does he forget the services rendered upon that score by my Right Honourable Friend Sir James Graham? With what consistency can the Noble Lord put this service forward, specially, as a vindication of the pension granted to Sir John Newport, and at the same time, almost in the same breath, turn round and assail the conduct of my Right Honourable Friend, who, during the whole time that he formed a part of the Administration of which the Noble Lord was a member, zealously, indefatigably, and most successfully applied himself to the curtailment of useless and unnecessary expenses? What are the special grounds laid, in the Noble Lord's resolution, in vindication of this pension? Why this:—

> That it appears to this House, that the Right Honourable Sir John Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that while in the said office he directed, and after leaving office suggested, various inquiries, which led to the adoption by Parliament of measures highly conducive to the better administration of the law, and beneficial to the revenue.

Now, surely these are duties which a man ought to perform, — surely these are duties which a public man is bound to perform, — surely these are not duties to entitle a civilian to special thanks and special rewards, carried by a majority of those who concur with him in political opinions! It is a bad precedent. The Noble Lord's resolution concludes in these terms: —

> That, considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied that the grant of a pension to a retired Comptroller of the Exchequer, in circumstances so peculiar, cannot be drawn into a precedent.

Observe, — not, absolutely, cannot be drawn into a precedent, but —

> cannot be drawn into a precedent in favour of persons who have not "just claims on the Royal beneficence," and are not distinguished by "the performance of duties to the public."

Thus, you are not going to say that the granting of this pension cannot be drawn into a precedent; but I tell you that if you pass this resolution, you will be giving a parliamentary sanction for drawing it into a precedent. Most likely, whoever is placed in the office of Comptroller of the Exchequer will have been a man who at some period of his career has exerted himself with activity and talent in public life. How easy, then, will it be to say that he has distinguished himself in the performance of his duties to the public, and that he has a just claim upon the Royal beneficence! In such a case the Crown will be perfectly justified, under this resolution, in granting a pension from the Civil List; thereby inducing the officer to retire, and immediately appointing another in his place. Some one, perhaps, referring to the terms of the resolution now proposed, will say, "This ought not to be drawn into a precedent." "True," will be the answer, "it ought not to be drawn into a precedent in favour of a man who has no claim upon Her Majesty's beneficence — who has performed no duty to the public; but the particular friend whom we now propose to appoint to this office has a very great claim to Her Majesty's beneficence and to public gratitude; in proof of which we are prepared to lay before you an account of all the motions he has made during five-and-twenty years of parliamentary service, — of all the Committees he has appointed, — and of the savings he has effected in restraining useless expenses." Why, if my Honourable Friend the Member for Lincoln (Colonel Sibthorp) should happen to fill the office of Comptroller of the Exchequer, what a catalogue of public services might be quoted to justify his being pensioned! How many motions for inquiry into useless Commissions! How many motions for inquiries into useless expenses! Sir, according to the admissions of the Noble Lord, my Honourable and Gallant Friend absolutely put an end to the Commission for granting compensation for the Bude light; and, as the Honourable Member for Westminster (Mr. Leader) has justly observed, my Gallant Friend, at one single blow, in one single vote, saved 20,000*l.* a-year to the public in the grant to Prince Albert. In such a case, with such a catalogue of public services, how could Parliament refuse to such a man the pension to which his zeal and activity in the public service would have justly entitled him? The Noble Lord, no doubt, foreseeing this case, has provided for my Honourable Friend, under the head of "performance of duties to the public." If the Noble Lord had limited himself, in his amendment, to a simple declaration that this cannot be drawn into a precedent, it would have been all very well; but when he asks the House to assent to a proposition that it cannot be drawn into a precedent, "except in cases where public services have been performed," can any one deny that, by agreeing to such a resolution, we should be giving a direct sanction to the grant of a pension from the Civil List to all persons who hereafter may hold the office of Comptroller of the Exchequer? I hope I have fulfilled my promise, — that I would not withdraw the attention of the House, by personal considerations, from the question properly before it. I entreat the House to recollect that we have the admission of the Noble Lord that this pension ought not to be drawn into a precedent. I ask the House of Commons to have the courage and manliness to reject the amendment: and as we all admit that it ought not to be drawn into a precedent, let us *vote* that it ought not; and thus prevent the possibility of other Governments, relying upon any resolution of ours, undermining the independence of an office, the integrity and perfect independence of which are essential to give the holder of it a due and proper control over the public expenditure.

The CHANCELLOR of the EXCHEQUER. — Sir, in rising to follow the Right Honourable Baronet who has just sat down, I intend, as far as possible, to confine the attention of the House to the real state of the question, and to warn it not to be led into a discussion of those topics which my Right Honourable Friend opposite (Sir James Graham) has so dexterously introduced — as I cannot help thinking — with the hope of picking up some stray votes. I, therefore, neither propose to follow my Right Honourable Friend through the attack which he was good enough to make upon the whole of the Government system of finance, nor to pursue the Right Honourable Baronet (Sir R. Peel) in the defence which he has made of the public services of my Right Honourable Friend. I think that the Right Honourable Baronet has a little misunderstood the observations of my Noble Friend (Lord John Russell). In the remarks that fell from my Noble Friend, there was no imputation whatever against the public services of my Right Honourable Friend, — services which I should be the first to acknowledge, both as an effective officer of the Crown, and as the minister of a public department. What my Noble Friend said was this, — that, whilst sitting on the Treasury bench, my Right Honourable Friend did not exhibit the same readiness to appear in debate in support of his colleagues, that he now evinces, on all occasions, to attack them. My Right Honourable Friend says, that the necessity for the perfect independence of the office of Comptroller of the Exchequer is such, that the House ought to mark with its censure any attempt to grant to the holder of that office any civil list pension, or, in fact, any pension whatever. Now, I should be glad to learn where my Right Honourable Friend finds any ground for censure in this proceeding, or where the House is to discover the principle which, for the first time, I have heard laid down? I had the honour, along with my Right Honourable Friend, to serve on the Commission which recommended the alterations to be made in the pension list; and I confess that I have now, for the first time, learned that there was any intention whatever of so controlling the power of granting pensions as to preclude the Comptroller of the Exchequer from ever receiving any retired allowance whatever. I find nothing of that kind either in the Report of the Commissioners or in the Act of Parliament, which was subsequently introduced and passed, founded upon the Report. In point of fact, the very provision upon which my Right Honourable Friend has laid so much stress — the very provision which deprived Lord Auckland of the office — did not exist in the Act when it was first introduced by the Government, but was subsequently inserted by Parliament. But is there anything in the acts and proceedings of the Legislature, in analogous cases, that could lead the Government to discover the new principle which is now laid down, for the purpose of casting a censure on Sir John Newport's pension, and upon the Government? I will refer to some cases which appear to me to be strictly analogous. In the first place, there is the office of Assistant Comptroller of the Exchequer. That officer, in the absence of the Comptroller of the Exchequer, discharges all the duties which the Comptroller can perform, and exercises precisely the same check upon the Treasury, in regulating the expenditure of the public money. It is, therefore, as requisite, that the Assistant Comptroller should be independent of the Crown, as that the Comptroller himself should be independent. Yet the Assistant Comptroller is entitled to a superannuation allowance, and that superannuation allowance is settled by the Treasury. What, then, becomes of the assertion of my Right Honourable Friend, that there is no possibility of mistaking the principle that the party who exercises this check upon the Treasury must be a party wholly independent of the Crown, — a party never to be admitted to any pension whatever?

Passing from the office of Assistant Comptroller of the Exchequer, let the House look, for a moment, to another analogous case, — that of the auditors of public accounts. Is it not as essential that those officers should be independent, as that the Comptroller of the Exchequer should be independent? I think it much more important that they should be independent of the Crown and of the Treasury than the Comptroller himself. In the first place, they hold their appointments during life, — they are Parliamentary Commissioners, not Commissioners appointed by the Crown. They have also certain judicial powers; for instance, they have the power of taking evidence upon oath, and they actually audit the accounts of the Treasury. If ever there was a case, then, to which the new-found principle ought to apply, surely it must be that of the auditors of public accounts; and yet they constantly receive retired allowances from the Treasury. I therefore contend that we had no reason, either from the Report of the Commissioners, from the Act of Parliament, or from analogous cases, to suppose that the Comptrollership of the Exchequer was an office in which the constitutional principle was involved. My Right Honourable Friend has declared that, if Government had given Sir John Newport a pension before his acceptance of the office of Comptroller of the Exchequer, he should not have quarrelled with it, — such was his respect for that gentleman. I call upon my Right Honourable Friend to show upon what ground the claim which Sir John Newport had in 1834 was forfeited in 1835, because, instead of applying for a pension, which would have been, at that time, deservedly granted to him, he was willing to continue his services down to a recent period, in an office the duties of which he most efficiently discharged. The Right Honourable Baronet opposite (Sir R. Peel) has made a very facetious attack upon the resolution of my Noble Friend (Lord Morpeth), because he says it includes certain words of Mr. Burke, and that they are not enacting words, and are really of no importance. Now, I would ask, are the words giving the power of granting pensions to the Crown mere words of course? Was there no reason for putting them into the Act? Are they surplusage? or were they not rather meant to be the guide to future Ministers in recommending the Crown to grant pensions? The Right Honourable Gentleman has commented on the inconsistency of an Honourable Member who objected, on a former night, not to giving a pension to Sir John Newport on the authority of the Crown, but by a parliamentary vote. Now, if the Honourable Member has changed his opinion, he has the authority of the Right Honourable Baronet for so doing. In 1837, on the discussion of the Civil List, a proposal was made by the Honourable Member for London, to place the power of granting pensions in the hands of the House, and to take it from the Crown. What said the Right Honourable Baronet on that occasion? —

> I am, however, very averse to the proposition for allowing such a power to be reposed in this House. A popular assembly never wisely interferes with the distribution of patronage; and no instance can be found, either remote or proximate, in the history of the House, in which it can be proved that Parliament ever wisely performed the appropriate duties of the Executive.

The Right Honourable Baronet went on to say, — and I beg the House to attend to the words, for they peculiarly apply to the present case, —

> An assembly, such as the House of Commons, is too much governed by impulse for the just exercise of such a right. The course of their proceedings, I fear, would be this, — that, under certain circumstances, they would give a great deal too much, whilst, under the influence of other considerations, and impelled by some feeling of the moment, they would be tempted to neglect public services of the highest moment.

Now, I cannot help thinking that such circumstances as those alluded to by the Right Honourable Baronet may have some weight in the decision of the present question, and that those circumstances may induce many Honourable Members to overlook public services of the highest moment. The other point to which the Right Honourable Baronet has directed his observations was the amount of this pension. The Right Honourable Baronet says, "You have only 1200*l.* a-year to spend, and in this pension you have disposed of 1000*l.* at once." Now, in the first place, I beg the House to remember that the bounty of the Crown has not been exhausted, and that there still remains for the reward of literary and scientific merit a sufficient sum to meet any claims which may arise. Let not the House be deluded by the assertion, that, because 1000*l.* out of the 1200*l.* are spent, there is, therefore, no reserved fund for those purposes. The Right Honourable Baronet knows, perfectly well, that, according to an arrangement recommended by himself, if the Crown does not grant the full amount of the sum intrusted to it for pensions in any one year, the surplus goes over to another year, and, consequently, there remains an amount sufficient to meet those fair claims which may be brought forward. But I wish to recall to the recollection of the House what the Right Honourable Baronet himself said regarding the proposed allowance to Prince Albert, when we wished to compare it with allowances formerly granted to the Queen Consort of the reigning Monarch. The Right Honourable Baronet then argued that the allowance in the recent case was much greater than was warranted by precedents, inasmuch as it was for a very young life. Now, I think the same argument applies to the grant of the pension now under consideration. The Right Honourable Baronet says that five sixths of the whole amount given to a single person for his political services is an enormous sum. I think that that depends entirely on the age of the party. If this amount had been granted to a young person, it might have been fairly objected to; but when a pension is granted to a person eighty-four years of age, he is not very likely (to use a phrase which has been often repeated) to "encumber" — but, I say, to ornament — the pension list much longer; and therefore the House need feel less difficulty about the amount, knowing that this would be required, in all probability, for a much shorter time than the generality of pensions. My Noble Friend, in alluding to the pensions granted by former Governments, did not intend to depreciate the fairness of their motives, or the propriety of their conduct, because he said, "of the merits of the parties I am no fair judge." But when I find that no public servant of political eminence has received a smaller pension than 1000*l*., and that Sir John Newport wanted only a few months of the full time to entitle him to a pension, I do not think that the amount could be fairly objected to. The Right Honourable Baronet, both to-night and on a former occasion, has stated his opinion, that if Sir John Newport's pension had been granted before he held the office of Comptroller of the Exchequer, it would have been a proper pension, and that it would not have been an unfair exercise of the prerogative of the Crown; and I therefore ask the House, seeing that the resolutions of the Honourable Member opposite are only proposed by way of a censure on the Government, which gave the pension, and on Sir John Newport, who receives it, at once to negative them.

Mr. HUME. — Sir, after having been alluded to in the course of the debate, I cannot allow the discussion to close without stating that I think both parties have taken an erroneous view of this subject. The speeches which have been made on this occasion do not apply either to the original motion or the amendment. One half of the speech of the Right Honourable Baronet the Member for Pembroke was directed against the passing over of Mr. Ellis; and on that point I entirely agree with him. The speech of the Right Honourable Baronet the Member for Tamworth was criminatory of Lord Monteagle and of the Government for the appointment which they have made. If Honourable Gentlemen opposite mean to censure the Government, why do they not expressly declare their intention, and name the parties whom they blame? It is on account of their not having done so that I feel some difficulty as to the vote which I ought to give. The Right Honourable Baronet the Member for Tamworth was not so correct in his dates as he was, apparently, strong in his reasoning. He asked, if he had made such an appointment in 1835, what course would have been taken? The Right Honourable Baronet must be aware that the resolutions to which reference has been made were not in existence at that time; for they were not passed until 1837. The Right Honourable Baronet will bear in mind that I divided the Committee on the question, that no pensions be granted out of the Civil List; and so far from objecting to their coming before Parliament, what I said was, "If any public man is entitled to a public reward, let him receive it openly by a vote of this House;" and he will also recollect that I said, "If you give the Crown the power of granting pensions, abuses will take place; — if you wish the Crown to have that power, place an additional amount on the privy purse; and if the pensions are granted by the Sovereign, the House will have no right to quarrel with them." I beg to call the attention of the House to what took place at the time the vote of 1200*l*. was agreed to. When that sum was proposed to the Committee by the Honourable Member for Aberdeen, the Right Honourable Baronet opposite objected to it as being too small. The answer given was, that it was not intended to recompense political services; and I will venture to say, that not one word fell from Lord Althorp, on Mr. Harvey's motion, which could induce the House to believe that any portion of this sum would be applied as the reward of political services. I must protest against the doctrine laid down by the Noble Lord the Member for Stroud, which holds out an inducement to every man in the House to look forward to rewards from the Crown for services performed in this House; and I therefore consider it impossible for any independent Member of the House to vote for the amendment. The Noble Lord certainly said, he wished it to be understood that future Comptrollers of the Exchequer would have no claim to a pension. My objections to voting for the amendment are twofold; — first, that this pension was granted for parliamentary services; and next, that it was given on account of Sir John Newport having been five years Comptroller of the Exchequer, although the Act expressly deprives every Comptroller of the claim. If the pension was not granted on either of these grounds, let the Noble Lord say so, and I shall be satisfied with the declaration. In my opinion, the vacancy was created for the sole purpose of conferring the office on Lord Monteagle; and I regret that the resolutions of the Honourable Gentleman opposite do not state that fact in a more explicit manner. I wish the House had seen the date of the letter in which the first application was made. If the Noble Lord had stated that, he might have removed all the doubt and suspicion with which the transaction is regarded throughout the country. I can assure the Noble Lord that the general impression is, that the granting this pension was a mere job, for the purpose of favouring Lord Monteagle; and I tell him, that it will be extremely difficult to remove that impression from the public mind. I certainly, as I said before, feel some difficulty in recording my vote; but, on the whole, I am inclined to support the original motion, although it is not framed exactly as I think it ought to have been.

LORD J. RUSSELL. — Sir, with regard to the statement of the Honourable Gentleman who has just sat down, as to the date of the vacancy in the Comptrollership of the Exchequer, I thought that that matter had been sufficiently set at rest by the declarations of Lord Melbourne, Lord Duncannon, and Sir John Newport, all of whom stated that it had nothing to do with Lord Monteagle's retirement from the Chancellorship of the Exchequer.

Mr. T. S. DUNCOMBE. — I feel some difficulty in rising to speak upon this subject, which has been designated a "job." The question is, how are we to deal with this job? When my Honourable Friend (Mr. Hume) rose, I thought it was for the express purpose of saying something in defence of the proposition which he has placed on the notice paper; but he has not thought proper to say a word on the subject. All that I can say is, that if it were possible, according to the forms of the House, for you, Sir, to put all the three different propositions from the chair together, — the proposition of the Honourable Gentleman the Member for North Durham (Mr. Liddell); the proposition of the Noble Lord the Member for the West Riding of the county of York (Viscount Morpeth); and the proposition of my Honourable Friend the Member for Kilkenny; — I should feel the greatest satisfaction in voting against all the three; for there never were three more absurd propositions; — or, if there be one more absurd than another, so far as the public are concerned, I should fix upon that of my Honourable Friend the Member for Kilkenny. It is generally assumed that there are no strangers in the House, and I am bound to assume that to be the case; but if there should be any present, I would address them, in order that it may go forth to the public that the whole of this debate has nothing whatever to do with the public interests. I wish to know whether, in any of the propositions which have been made, any one individual has proposed to save the public purse one shilling? Far from it. With the exception of the proposition of the Honourable Member for Kilkenny, whose object is to put 1200*l.* a-year additional upon the public burdens, the whole of the discussion ends in this, — that the Honourable Member for North Durham says that the pension to Sir John Newport "ought not to be drawn into a precedent;" whilst the Noble Lord the Member for the West Riding says "it cannot be drawn into a precedent." Now, the Right Honourable Baronet the Member for Tamworth cannot trust to that declaration. I recommend neither the House nor the public to trust to it; for, although this House may say that it cannot be drawn into a precedent, and although it ought not to be drawn into a precedent, yet the next House of Commons, with the Tory Administration which will, in all probability, succeed the present, may say, "What have we to do with their 'ought not' or 'cannot?' This is a precedent which has been established for a measure which we will repeat whenever we think proper." But let us look at the conclusion of the motion of the Honourable Member for North Durham, — for his premises are not disputed, — "That, considering all these circumstances, and more especially the great importance of keeping the Comptroller General of the Exchequer independent of the influence of the Crown" ——

[Cries of "Hear, hear!"]

"Hear, hear!" I should like to know from Honourable Gentlemen who are now so desirous of keeping the executive Government independent of the influence of the Crown, when they acquired their new-born zeal? When did it commence? Did it commence in the reign of George III.? Did it exist when Mr. Dunning proposed a resolution that "the influence of the Crown has increased, is increasing, and ought to be diminished?" Did the Tories declare that the influence of the Crown ought to have no influence with the Executive when appointments were made in former reigns? Did they entertain this opinion in the reign of George IV.? or in the days of William IV.? No. It was reserved for the reign of Victoria for the Tories to come forward and say, the influence of the Crown ought not to be used in the executive Government! The Right Honourable Baronet the Member for Pembroke says that he has a great regard for Sir John Newport, and that this motion has nothing to do with him — that it is, in fact, a vote of censure on Her Majesty's Ministers. If this be so, why not state the fact? Instead of saying that this grant ought not to be drawn into a precedent, why do not Honourable Gentlemen say, "This is an act unworthy of Her Majesty's Ministers?" Why do they not state, fairly, "This is a gross job?" Let them state that, and I will say that I agree with them. But they will not do any such thing; they evade the question, and will not directly assert the censure. I should like to ask those Honourable Members opposite who were in Parliament in 1830, whether they recollect a motion made by Sir Robert Heron? Do they recollect the names of Dundas and of Bathurst? Do they recollect the pensions proposed to be given by the Tories of those days? How did the Chancellor of the Exchequer of that day defend the proposition? We have it stated upon the Votes that Sir John Newport has served the public for fifty years, and that he is entitled to a pension; and I have not heard any one deny the justice of the claim. If he be not entitled, put the question on the footing of a vote of censure, and let it be fairly met. To use the Noble Lord's expression, — which is not, perhaps, remarkably elegant, although it is very expressive, — Honourable Gentlemen have certainly approached this question in the most "gingerly" manner. How have those Gentlemen defended other pensions? How did the Chancellor of the Exchequer in 1830 (Mr. Goulburn, I believe) defend the pensions to Messrs. Bathurst and Dundas? He said, —

> As to the precise nature of the services of those individuals, I am not prepared to answer. I think it rather unfortunate that the length of their services has not been stated in the estimate; but I believe that their service was of about four years' duration, the appointments having taken place in 1825.*

Now, four years' duration was all that the Right Honourable Gentleman had to say in favour of the services of Messrs. Dundas and Bathurst. The Right Honourable Gentleman went on, —

> Mr. Bathurst, although called by the Honourable Baronet a very young gentleman, had been a considerable time at the bar. [Laughter.] I really do not see what there is to excite Honourable Gentlemen's laughter in the circumstance of a gentleman's pursuing an honourable profession. It may appear ridiculous to some Honourable Members; but to me it seems an honourable path for a man to pursue, whatever may be his rank in life. Mr. Bathurst and Mr. Dundas, who had both embarked in different professions, abandoned them on being put into the situations of Commissioners of the Navy, and the principle of compensation and allowances, when reduced, applies perfectly to them.†

Whilst the pension to Sir John Newport, after fifty years' service, is opposed by Honourable Gentlemen opposite, they were quite ready to grant 500*l.* a-year to each of two individuals, in whose favour all that could be said was, that one of them had been at the bar, and that their public services had been of four years' duration. I should like to hear any Honourable Gentleman state to the House how the public interests are concerned in this debate? I contend that the public interests are not concerned in it. It is a mere fight between the two factions; and whichever may succeed is a matter of perfect indifference to the public. I can only repeat that, of the three propositions, that of the Honourable Member for Kilkenny is the most absurd; and as I entertain considerable doubt which of the other two is to be preferred, I feel bound to give the benefit of that doubt to those whose administration I consider most beneficial to the country.

Mr. WYNN. — Sir, from the complexion which this debate has assumed, I feel peculiar difficulty in stating that I differ on this occasion from those with whom I have usually been in the habit of acting. I feel this to be a judicial question, upon which I am bound to give a vote according to my construction of the Act of Parliament, and according to my opinion of the merits of the individual who has been made the subject of the present motion. I am relieved from considerable difficulty by the fair and liberal admission of the merits of the Right Honourable Baronet who has filled the office of Comptroller of the Exchequer, which has been made by my Honourable Friends, who, I believe, are of opinion, that when Sir John Newport retired from Parliament he was fully entitled to a pension; and, according to their construction of the Act, there was nothing to prevent him from having then received it. I certainly was not friendly to the resolutions passed by the House in 1837, and I will not go further than I am warranted in doing by the words of those resolutions. By the Act 1 & 2 Victoria, pensions to the amount of 1200*l.* a-year are allowed to be granted to such persons as may have just claims on the Royal beneficence. Now, I believe Sir John Newport to have just claims on the Royal beneficence. The Act continues:—"or who by their personal services to the Crown, or by the performance of their duties to the public, have merited the gracious consideration of the Sovereign and the gratitude of the country." I believe Sir John Newport, by the performance of his public duties, during the long period that he sat in Parliament, to have merited the gracious consideration of the Sovereign and the gratitude of the country; and I cannot find that public servants are precluded from the consideration of those whose duty it is to advise Her Majesty in the bestowal of these pensions, although the individual may only have held office at intervals, and only for a few months at a time. I do not think that the claim of Mrs. Fox or of Mrs. Tierney to a pension were invalidated, because Mr. Fox was Secretary of State only for a short time, or because Mr. Tierney had only been a short time in office. I have had the opportunity of witnessing the services of Sir John Newport; and I feel it my duty on the present occasion to bear my testimony to their value. I believe that no man was ever more indefatigable in his exertions, more upright in the whole of his parliamentary conduct, or more honourable in the discharge of his duties. Under these circumstances, I am not prepared to say that such a grant as the present ought not to form a precedent for similar grants, if similar merit shall be proved, to individuals at that advanced period of life, who have met with reverses of fortune. But the argument that seems to have the greatest weight with my Honourable Friends is this, — that having held the office of Comptroller of the Exchequer, Sir John Newport has become disqualified from receiving a pension. Now, I am quite ready to admit that the holding of that office did not give Sir John Newport any claim; but, having a claim before that time, I contend that that appointment was not a disqualification as to such claim. What was the object of the Act of Parliament? It was, that a person should not receive any pension from the Crown at the time of holding the office of Comptroller of the Exchequer; that the holding of the office should not give him a claim to a pension. But allow me to ask whether, if an individual entitled to a retiring pension be appointed to the office of Comptroller of the Exchequer, and retain that office only for a short time, he thereby loses the claim which he previously possessed? I think this would neither be fair towards the individual, nor economical on the part of the public; because the pension would be suspended during the time the individual held the office; and that amount would, consequently, be saved to the public. Upon these grounds, after having listened to the whole of the debate, and given the fullest consideration to the subject, I feel myself bound to vote for the amendment of the Noble Lord.

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* See MIRROR OF PARLIAMENT, Sess. 1830, vol. ii. p. 1060.

† Ibid.

Mr. LIDDELL. — Sir, I should not have troubled the House with a single observation, in reply, but for some remarks which have fallen from the Honourable Member for Finsbury. Not content with stating his opinions on the subject under consideration, the Honourable Member has brought forward a *tu quoque* argument, and has contended that Honourable Members on this side of the House are only anxious to prevent jobs when they are not themselves in office; and the Honourable Member has alluded to certain circumstances connected with a former Government, when my Right Honourable Friend held office. I have ever sat as an independent Member of this House, and I remember, at least as well as the Honourable Member for Finsbury, the circumstances of the case to which he has alluded; and I must say, now that the clouds of obloquy which obscured the Government of the Duke of Wellington have passed away, that if there was any one transaction more than another which redounded to the credit of the Government of the Noble Duke, it was the identical transaction which the Honourable Member has condemned. What were the real circumstances of the case? The Noble Duke, with that zeal for economy which has ever characterised him, finding that certain expenses might be saved to the country, cut off the offices held by Mr. Bathurst and by Mr. Dundas, although those offices were usually held for life. Instead of reducing any of the old clerks, — instead of making a job, as some Honourable Members would have done if placed in the same circumstances, — the Noble Duke, without hesitation, cut off the offices held by the sons of two members of his Cabinet; offices which, up to that time, had invariably been held for life, and the acceptance of which may have materially affected their future circumstances. After having done so, the Noble Duke proposed to grant them a small retiring pension of 500*l*. a-year, which Parliament, in its wisdom, I cannot say in its justice, thought fit to withhold. How that transaction can be characterised as a gross job I will leave the House to decide. I have no interest in coming forward as the apologist of that transaction; and I speak only from my own feelings and impressions, which are as likely to be founded on justice and on honour as those of the Honourable Member for Finsbury. Having said thus much in vindication of the Government of the Duke of Wellington, I will not detain the House by offering any further observations on the question upon which we are about to decide.

Question put, "That after the word

'functions,' at the end of the fifth paragraph, the following words be there inserted:—'That, by an Act of 22 Geo. III. c. 82., it was declared, "And whereas much confusion and expense did arise from having pensions paid at various places, and by various persons, and a custom hath prevailed of granting pensions on a private list during His Majesty's pleasure, upon a supposition that in some cases it may not be expedient for the public good to divulge the names of the persons in the said list, or that it may be disagreeable to the persons receiving such pensions to have it known that their distresses are so relieved, or for saving the expense of fees and taxes on small pensions; by means of which said usage, secret and dangerous corruption may hereafter be practised: and whereas it is no disparagement for persons to be relieved by the Royal bounty in their distress, or for their desert; but, on the contrary, it is honourable in just cause to be thought worthy of reward, &c:" That this limitation to persons in their distress, or for their desert, not having proved a sufficient check on the grant of unmerited pensions, this House, in the year 1834, entered into certain resolutions concerning pensions.'"

Agreed to.

Another amendment proposed, to leave out from the first word "That," in the last paragraph, to the end of the question, in order to add the words "it appears to this House that the Right Honourable Sir John Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that while in the said office he directed, and after leaving office suggested, various inquiries, which led to the adoption by Parliament of measures highly conducive to the better administration of the law, and beneficial to the revenue; that, after serving for five years in the honourable office of Comptroller of the Exchequer, being then upwards of eighty years of age, and afflicted with bodily infirmity, he withdrew from public life, respected for the unblemished integrity of his character, to pass in retirement the remainder of his days:

That, considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied that the grant of a pension to a retired Comptroller of the Exchequer, in circumstances so peculiar, cannot be drawn into a precedent in favour of persons who have not 'just claims on the Royal beneficence,' and are not distinguished by 'the performance of duties to the public,' instead thereof."

Question put, "That the words proposed to be left out stand part of the question." The House divided:—Ayes 240, Noes 212; Majority against Ministers 28.

AYES.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J. junior
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Barneby, J.
Barrington, Ld. Visct.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburn, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Brainston, T. W.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Cantalupe, Lord Visct.
Chapman, A.
Cholmondeley, Hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, Lord Viscount
Colquhoun, J. C.
Cooper, E. J.
Copeland, Alderman
Corry, Hon. H.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon A.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Lord C.
Fitzroy, Hon. H.
Foley, E. T.
Follett, Sir W.
Forester, Hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Goring, H. D.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Grote, G.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, Right Hon. Sir H.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'Court
Holmes, W.
Hope, Hon. C.

Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hume, J.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Serjeant
James, Sir W. C.
Jermyn, Earl
Jervis, S.
Johnson, General
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Leader, J. T.
Liddell, Hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Hon. Colonel
Lowther, J. H.
Lucas, E.
Lygon, Hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Visct.
Maidstone, Ld. Visct.
Manners, Lord C. S.
Marsland, T.
Mathew, G. B.
Maunsell, T. P.
Maxwell, Hon. S. R.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Molesworth, Sir W.
Monypenny, T. G.
Mordaunt, Sir J.
Neeld, John
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Palmer, R.
Parker, R. T.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, R.

Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Lord Vt.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushout, G.
Sanderson, R.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord Visct.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, Hon. B.
Williams, T. P.
Wilmot, Sir J. E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Young, J. (Cavan)
Young, Sir W.

Tellers.

Baring, H.
Fremantle, Sir T

NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, Hon. Colonel
Archbold, R.
Baines, E.

Baring, Rt. Hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Berkeley, Hon. H.
Bernal, R.
Bewes, T.
Blackett, C.

Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, Hon. Colonel
Byng, G.
Byng, Rt. Hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, Hon. C.
Chetwynd, Major
Clay, W.
Clive, E. B.
Collier, J.
Conyngham, Lord A.
Corbally, M. E.
Cowper, Hon. W. F.
Craig, W. G.
Crompton, Sir S.
Curry, Mr. Serjeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dundas, Hon. J. C.
Dundas, Sir R.
Elliot, Hon. J. E.
Ellice, Capt. A.
Ellice, Rt. Hon. E.
Ellis, W.
Evans, Sir D. L.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, Right Hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.

Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Lord Visct.
Humphery, J.
Hurst, R. H.
Hutchins, E. J.
Hutton, R.
Jervis, J.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
M'Taggart, J.
Marshall, W.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Mildmay, P. St. John
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Noel, Hon. C. G.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, Hon. J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Sheil, Rt. Hon. R. L.
Shelborne, Earl of
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.

Somerville, Sir W. M.
Spencer, Hon. F.
Standish, C.
Stanley, M.
Stanley, Hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Tavistock, Marquess of
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, Right Hon. Sir R. H.
Walker, R.
Wall, C. B.
Wallace, R.
Westenra, Hon. J. C.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wynn, Rt. Hon. C. W.
Wyse, T.
Yates, J. A.

Tellers.
Seymour, Lord
Stanley, Hon. E. J.

Main question, as amended, put, and agreed to.

MILITARY OPERATIONS (INDIA).

On the motion of SIR JOHN HOBHOUSE, Order (6th February), " That this House doth highly approve and acknowledge the discipline and patient perseverance displayed by the non-commissioned officers and private soldiers, both European and native, during a long and painful march through an untried country; and doth also highly approve and acknowledge their undaunted courage at the assault and capture of Ghuznee; " read, and discharged.

Resolved, *nemine contradicente*, " That this House doth highly approve and acknowledge the discipline and patient perseverance displayed by the non-commissioned officers and private soldiers, both European and native, during a long and painful march through an untried country; and doth also highly approve and acknowledge their undaunted courage at the assault and capture of Ghuznee and Khelat."

MERCHANT SEAMEN'S FUND ACT.

Committee nominated; Sir Thomas Troubridge, Mr. Sheil, Captain Alsager, Sir Charles Grey, Mr. Chapman, Mr. Wilshere, Lord Viscount Sandon, Mr. Dennistoun, Mr. Callaghan, Mr. Ingham, Mr. Alderman Thompson, Mr. Bewes, and Mr. Crawford; power to send for persons, papers, and records; five to be the quorum.

PARLIAMENTARY BURGHS (SCOTLAND) BILL.

Second reading deferred till Monday, 9th March.

EAST INDIA PRODUCE.

Committee to be nominated this day.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD VISCOUNT MORPETH. — Sir, I move that the House resolve itself into a Committee on the Municipal Corporations (Ireland) Bill.

COLONEL PERCEVAL.—I hope the Noble Lord will not proceed with the Bill at this late hour.

LORD MORPETH. — Certainly not, if there be any objection.

COLONEL PERCEVAL. — I object to the removal of Sligo from Schedule A to Schedule B; and several other Members entertain similar views.

LORD JOHN RUSSELL. — I propose to proceed with the Bill to-morrow, before the Committee of Supply.

COLONEL SIBTHORP. — What! I can scarcely believe that the order will be proceeded with to-morrow; because I undoubtedly expect, after the decision to which the House has come, that the Government will resign their situations. Surely the Noble Lord will not think of going on!

[Laughter.]

Committee deferred till this day.

CHINA.

Petition of the chairman of a meeting held in the Mariners' Church, Wellclose Square, — for investigation of the evils connected with the opium trade. — To lie on the table.

RETURNS.

Ordnance Stores. — On the motion of Mr. GISBORNE, Return ordered —

Of the average annual value of the stores which have, for the last five years, been in the custody of the storekeeper or deputy at each of the thirty Ordnance out-stations, at which there is a salaried storekeeper or deputy, or both; and a Return of the average annual value of the stores issued at each of those stations for the same period:

A similar Return for each of the thirty-eight foreign Ordnance stations.

Newspaper Stamps; Wheat. — Return (presented 26th February). To be printed.

Adjourned at a quarter after twelve o'clock.

HOUSE OF LORDS, VENERIS, 28° DIE FEBRUARII, 1840.

The EARL of SHAFTESBURY sat Speaker.

APPEAL.

Kay *v.* Marshall. — Appeal presented, and respondent ordered to answer in a fortnight.

CHARD CANAL BILL.

Read a second time, and committed for Monday next.

House adjourned during pleasure; and resumed by the LORD CHANCELLOR.

EARL OF DYSART'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges (which stands appointed for Tuesday next) put off to Tuesday, the 10th of March next.

SELECT COMMITTEE ON THE PETITION OF THE EAST INDIA COMPANY FOR RELIEF.

The masters reported, that the Commons had given leave to William Crawford, Esq. (a Member) to attend the Committee, pursuant to message of yesterday.

A witness ordered to attend on Monday next.

SELECT COMMITTEE ON THE SUPPLY OF WATER TO THE METROPOLIS.

LORD PORTMAN released from his attendance.

SUPPLY OF WATER TO THE METROPOLIS.

LORD ASHBURTON and VISCOUNT DUNCANNON presented a petition of the Grand Junction Water Works Company, praying to be heard by counsel before the Select Committee, in support of their rights and interests; and a petition of inhabitants of the parish of Saint Mary-le-bone, praying to be heard by counsel, in favour of the plan recommended for procuring water from Artesian wells near Watford. — Read, and referred to the Select Committee on the Supply of Water to the Metropolis.

CHURCH EXTENSION.

LORD REDESDALE presented a petition in favour of, — of inhabitants of Frampton upon Severn. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The DUKE of SUTHERLAND presented petitions in favour of the principle of non-intrusion, — of the presbytery of Tongue; of the minister, elders, and others of the parish of St. Paul, Glasgow; and of inhabitants of Durness, Eddrachillis, and Assynt. — Read, and ordered to lie on the table.

CHURCH RATES.

Petition for the release of John Thorogood (a prisoner in Chelmsford gaol), and for the abolition of church rates, and of the criminal jurisdiction of the ecclesiastical courts, — of the minister and deacons of the congregation of Protestant Dissenters of the Independent denomination in the borough of Morpeth. — Read, and ordered to lie on the table.

CHINA.

LORD ELLENBOROUGH.—I understood that certain papers, for which I have moved, relative to China, would have been laid on the table early in the present week; but they have not yet been produced. I therefore beg to know when they will be ready?

VISCOUNT MELBOURNE. — The papers are in the course of preparation, and will be produced as soon as possible.

LORD ELLENBOROUGH. — I wish to call the attention of the Noble Viscount to the difficulty which exists in rendering effectual the orders made by this House for the production of papers. On the 20th of this month I moved for certain Returns, which I wished to be laid before the Committee on East India Duties. Some of those documents, it appears, have reference to the business of the Board of Revenue, others to the Colonial Office, and others to the Board of Customs. Now, I do not know to which office I should send for them. A similar complaint was made, some years ago, in the House of Commons; when Lord Londonderry directed that the orders should be sent to the Treasury, by whom they would be forwarded to the proper offices. Perhaps the Noble Viscount would consent to adopt a similar course.

VISCOUNT MELBOURNE. — I have no objection to fall back upon the practice to which the Noble Lord alludes.

COMPTROLLERSHIP OF THE EXCHEQUER.

The EARL of RIPON. — I feel it to be my duty to take an early opportunity of contradicting a statement which has been made elsewhere, respecting the non-appointment of a gentleman, who is nearly connected with me, to the office of Comptroller of the Exchequer, that office having been promised to him. I understand it has been said, that a Noble Friend of mine, who formerly filled the office of Chancellor of the Exchequer, and is now a Member of this House (Earl Spencer), stated, that, although he would be glad to give Mr. Ellis the appointment, in consequence of his connection with me — (I being then in the Government), — yet that he had been, however painful it was to him to entertain such a feeling, obliged to come to the conclusion, that, for particular reasons, such an appointment ought not to take place. It has been said, or is reported to have been said, that Lord Althorp was of this opinion. Now, I can give that statement the most positive contradiction. I will assert, as a matter of fact, that Lord Althorp did not express such an opinion. That Noble Lord stated to me, in 1833, that he concurred in opinion with another Noble Lord (Earl Grey), then at the head of the Government, that Mr. Henry Ellis's services, at the Exchequer, gave him a just claim to that office. It did so happen that, the moment I left Lord Althorp, I informed Mr. Ellis, by letter, of the conversation which passed, between us and I stated to him that those Noble Lords had admitted the grounds on which I thought Mr. Ellis was entitled to the appointment; and I even went so far as to congratulate Mr. Ellis on that appointment. I do not mean to say one word about that gentleman's not obtaining the appointment; that is a question which I have no right to discuss; but I could not permit Mr. Ellis's character to be exposed to such an imputation as I have described without repelling it.

VISCOUNT MELBOURNE. — It is very natural that the Noble Earl should wish for some explanation; but, considering the situation which I filled at the time alluded to, it cannot be supposed that I am acquainted with the circumstances of the case.

The EARL of RIPON. — Certainly not. I merely wished to make this statement.

THE ADMINISTRATION.

The MARQUESS of LONDONDERRY. — I rise to give notice that it is my intention, on Tuesday next, or, if that day be inconvenient, on Thursday next, to present an important petition from the town and county of the city of Londonderry, relative to the Irish Municipal Corporations Bill; and that I shall, at the same time, in consequence of what has taken place elsewhere, ask the Noble Viscount to give some explanation respecting the principles on which he intends to carry on the Administration in future. Perhaps, in giving that explanation, the Noble Viscount will not be so jocular as he usually is. Although Government has been again beaten, still I hope the Noble Viscount will show some degree of Ministerial magnanimity; and, looking to the constitution of his new Cabinet, will think that it becomes him to give your Lordships a clear explanation (if Ministers still hold the same feelings and views as they have hitherto done with respect to the question on which they have been defeated) as to the principles on which they mean to conduct the Government hereafter.

The EARL of SHAFTESBURY. — I would suggest to my Noble Friend that he cannot regularly present a petition against a Bill not yet before the House.

The MARQUESS of LONDONDERRY. — The petition says not a word about the Bill, but applies itself to the general principle.

FRENCH AGGRESSIONS (THE CARAMANZAS).

VISCOUNT STRANGFORD. — My Lords, I rise to have the honour of laying before your Lordships a petition from all the merchants of the city of London engaged in the African gum trade, complaining of certain injuries to which they have been subjected on the coast of Africa by the French authorities there. As I mean to refer largely to the petition in the course of the observations which I shall address to your Lordships, I shall now merely move "That the petition do lie on the table."

Petition ordered to lie on the table.

VISCOUNT STRANGFORD. — When, in the course of last Session, I brought under your Lordships' consideration the various aggressions upon our trade on the western coast of Africa, that had been committed by certain French authorities there, and the amount of loss and dishonour which, in my opinion, we had incurred in consequence, I did hope, as well from the highly proper and spirited tone and language assumed, on that occasion, by the Noble Viscount opposite, as from his assurance that the matter should be taken up as it behoved this country to take it up, — I did, I say, hope that his remonstrances and representations would have had the effect, if not of obtaining full redress for past injuries and insults, at least of preventing them from being renewed and repeated in a yet more extensive and objectionable form. My Lords, I confess that I entertained too high an estimate of the importance and respect due to the remonstrances and representations of a British Minister to believe, at that time, for one moment, that it would be my lot, in the very next Session, to have to present a petition affording proof positive, not only that those representations and remonstrances had been ineffectual, as respected the past, but were so entirely disregarded and contemned, with respect to the future, as to fail in restraining France from making new attempts to damage our commerce and to humble our flag. The petition which has been laid on your Lordships' table embodies the results of these new acts of aggression; and I will now merely ask your Lordships what state of things that must be, in which Her Majesty's subjects, smarting under insults and injuries, and hopeless of protection, approach your Lordships' House with such a prayer as this: —

> That, however deeply your petitioners may feel the importance of duly protecting and upholding these settlements, as well with a view to commerce as to the extinction of the slave trade; and however anxious they may be to preserve them, as openings to British enterprise, at a period when new markets for our manufactures are so essential to the mother country; yet the neglect of their own Government, and the losses and insults which they have so long suffered from the French, without any prospect of redress, constrain your petitioners humbly to recommend that a negotiation be opened with the French Government for selling and transferring those possessions to that power, which seems so anxious to possess them, under which negotiation your petitioners may either withdraw their property, upon receiving an indemnity, or remain under a Government disposed to protect them.

What, I ask, can be the state of things in which the subjects of Her Majesty find no mode of escaping from insult and injury open to them, except by transferring the possessions in which those transactions have occurred to other and more powerful hands than those which at present hold them? That state of things will be explained in a manner more clear to your Lordships, and with less expense of your Lordships' time, in the words of the petitioners themselves, than it could be by any description of mine. The petitioners, after stating a variety of precedent aggressions, proceed thus: —

> That, without adverting to other well-known acts of French aggression in the same quarter, which remain equally without redress, although attended with consequences the most ruinous to individuals, your petitioners have on this occasion humbly to draw your Lordships' attention to a further and more recent outrage committed by the French authorities so late as September last; and which, although the last aggression your petitioners have heard of, will not, they fear, be the last they are destined to endure, unless measures be taken to assert the honour and uphold the rights of Great Britain in that part of the world. That the French, in pursuance of their policy to increase the number of their establishments on the coast, and at the same time destroy the prosperity of those of Great Britain, have recently formed new settlements at the River Caramanza, a river adjoining the Gambia, the chief British possession; and obviously with a view of intercepting our trade: that having built forts, and completed their arrange-

> ments, they have commenced a system of annoyance and aggressions against British traders, for the purpose of excluding them from the Caramanza trade, intriguing with the natives to drive the English away; which the natives have refused to do, telling them that the trade is open to all: that, having failed in these and other attempts to effect their object, they sent an armed force on board two British vessels — the Charles Grant and the Highlander — belonging to the Gambia, and forcibly removed them from the native town of Sedjou, where they were pursuing their lawful trade: that one of these vessels, the Highlander, from the want of skill on the part of the French force engaged in the outrage, was run on shore, and finally left, and yet remains with her cargo in possession of the aggressors: that, by such proceedings, the English are dishonoured in the eyes of the natives, and confidence entirely destroyed: that these and similar proceedings on the part of the French have, from time to time, been strongly represented to Her Majesty's Government, not only by the petitioners at home, but by the sufferers in Africa, through the Lieutenant Governor of the Gambia praying earnestly for protection; and, although your petitioners cannot think that Her Majesty's Government have been entirely inattentive to their prayers, they regret to say that, up to the present moment, they are ignorant what measures, if any, have been taken for their relief; meanwhile, the French are left to pursue their insulting and aggressive policy without hindrance or interruption: that, in the opinion of your petitioners, the want of naval protection has been the main cause of these evils, the French having never less than two or three ships of war constantly stationed in the neighbourhood; while the English settlements are frequently left for six or eight months together without a single British ship of war coming within sight of them: that, at the time these proceedings took place at the Caramanza, there was no British ship of war within 500 miles of those settlements, although nearly twenty English ships of war are employed on that coast: that, through the influence of the British possessions at the Gambia, the slave trade has been entirely destroyed in the neighbourhood of that river, formerly one of its greatest marts; which proves the great value of those possessions for the attainment of that important object; but that your petitioners regret to state, that, according to the last advices received from the Gambia, the French authorities were purchasing slaves for Government service at Cayenne; which it was feared would have the effect of reviving the love of that traffic in the breasts of the native chiefs.

The injuries here described are in addition to those committed at Portendic six years ago, and which I took the liberty of noticing on a former occasion. But I must own that, however bad the Portendic case might be,—and that it was very bad cannot be denied,—there are circumstances attending the present aggression which do, I think, invest it with much more interest and importance. The territory where these injuries were inflicted on British traders by the French no more belongs to France than it belongs to us. It belonged, in fact, to Portugal, from the first. The first discovery was indisputably made by Portugal, our once-prized, once-loved ancient ally. There was a day, when an insult offered to her—there was a day, when a violation of her territory, or an attack on her independence, — would have called forth, first, the indignant remonstrance, and next, if that were ineffectual, the prompt and immediate vengeance, of this country. But a different system, it appears, now prevails, and Government has permitted that act of spoliation without resistance, nay, without observation. The French Government did not enter into any negotiation; but, *vi et armis*, seized upon a possession belonging to Portugal, because Portugal is a weak power; and, I suppose, according to the moral and righteous principle of the present day, — and I speak not of France alone, — it is allowable that the stronger may prey upon the weaker. I remember, when the Noble Viscount last returned to office, he said he did so on a principle of chivalry. But, I would ask, what the chivalry of England was about when this spoliation took place? Why, the only answer that can be given to that question — the only answer that can reconcile us to the idea that the interests of that ancient ally are treated with indifference — is, that Her Majesty's Government know nothing at all about the matter. If that be not so, then it must be supposed that the seizure of a portion of the possessions of a weak state by one that is more powerful, is no longer to become a matter of energetic remonstrance and representation. I well remember, in the case of the usurpation of a portion of the Brazilian territory, that I took occasion to call the attention of the Noble Viscount to the fact; and I ventured to state to the Noble Viscount what the necessary and inevitable consequence of that proceeding would be, if it were suffered to pass unnoticed. The Noble Viscount laughed at the outlandish names of the places, which I mentioned, and said that he thought I had taken a very exaggerated view of the subject; asserting that, though something had been taken, it was something of no value, in either a financial, a commercial, or a military sense. I could not help thinking, when I heard the Noble Viscount make that statement, of the story of a young lady, who justified the indiscretion of her sister by stating, that, "true it was that she had had the misfortune of having a baby, but then it was a very little, pitiable baby." Now, the French are getting little babies in every part of the world. They have got one small child at Minorca, to which the Noble Earl who holds the Privy Seal seems anxious to stand godfather; and they have got twins on the coast of Africa, one at Portendic, and the other at the Caramanzas! They have also a flourishing child at Monte Video, and another, eleven years old, who began his education at Algiers. The Noble Viscount does not say "Oh, fie!" to these irregular proceedings; and, by abstaining from doing so, exposes himself to the charge of very lax morality. To return, however, to the subject. The merchants trading to Portendic applied for redress to our Governor at the Gambia. The Governor told them that he would make their complaints known at home, and would support them to the best of his ability. Whether those complaints ever reached Her Majesty's Government in this country, or whether Her Majesty's Government ever condescended to give an answer to those complaints, I do not know. I have my own suspicions, but I will not mention them. This, however, I do know, — because I have evidence of the fact, — that no British ship of war — that no Government vessel of any size or description bearing Her Majesty's pennant—was, during those complaints, sent to that place for the purpose of watching over British interests, and of protecting British subjects engaged in their lawful callings. The consequence was, that for two years the French had everything their own way, recognising no law but the law of the strongest; which law, alone, enabled them to trample on the rights of Portugal, on the rights of England, and on those of every other nation admitted to the privilege of free trading with those settlements. Now, if these things are passed over in silence, will France know where she ought to stop? These things have been done in a time of profound peace, and are therefore more injurious to us than if they had been done in a time of war; for in a state of war, thank God, we know how to take care of our colonies and of our foreign trade; or rather, we did know how, in those old-fashioned days when good hard fighting, and not political subserviency, constituted the merits of a sailor's character, and formed his claim to distinction and reward. The fleets of France are more formidable to us in time of peace than they are in time of war; but it is not of national disgrace only that I now come forward to complain. Individuals are stripped of their property; whole families are plunged in all but absolute ruin, through these outrageous proceedings; and then we are coolly told, that they must look for redress through the tedious and dilatory forms of official correspondence, and of lazy and loitering diplomacy, at a cost of time and anxiety which aggravates incalculably the original wrong.

Full little knowest thou, thou who has not tried,
What hell there is in suing long to bide,
To speed to-day, to be thrust back to-morrow,
To feed on hope, yet pine in fear and sorrow;
To fret thy soul with crosses and with cares,
And eat thy heart in comfortless despairs.

It is for the interest of England, and also for the interest of France herself, that she should be warned not to persevere in her present course; because, if persevered in, it must lead, of necessity, to a collision between the two countries, and thus to the interruption of the peace and happiness of the whole civilised world. I say this without apprehending that the Noble Viscount will be guilty of the bad taste of asserting in this House that which has been boldly, and indecently, and unfoundedly insinuated elsewhere,—namely, that in bringing these matters forward, the Tory party — as it is called — has no other object in view but that of embroiling the two countries, and of placing them in a state of war. I assure the House that the Tory party is not so entirely demented — that it is not so hopelessly moonstricken—as to wish for war under present circumstances. I wish not for war, least of all for war in which we can expect no triumph — "bella nullos habitura triumphos." I wish for peace, not only with the frank and gallant Frenchman, — "our ancient foeman, worthy of our steel!" — but also with the poorest and most contemptible community on the face of the globe. I have, at least, fourteen reasons for wishing for peace; six or seven of which I have now the honour of seeing before me. I am sure that the Noble Viscount opposite is aware that one of the most exquisite and graceful relics of antique art which has descended to us from classical antiquity, is that celebrated gem which bears for its impress, Cupid wielding a thunderbolt. I am likewise sure that the Noble Viscount has not forgotten a short Greek epigram in the *Anthologia*, which explains that allegory, and tells us that the sculptor meant to designate the union of persuasion and power. Of the persuasive faculties of Her Majesty's present Administration, let Mexico, and Buenos Ayres, and Portendic, and our merchants trading with Africa and with America speak; for they best know the value. As to their power, I trust in God, that, so far as England is concerned, I never shall live to see the day when the dignity, the interest, and the safety of this empire shall be confided to their direction of its resources against the attacks of any foreign power. But, short of war,—short of anything resembling war,—I am convinced that means may yet be found to put an end to the outrages of which we so long have had reason to complain. Our remonstrances have failed. Let the Noble Lord try—let him not be startled at the word—retaliation; but retaliation in no hostile sense of the word, but in a mode to which France cannot with reason object. Let him merely put the French, trading with our settlements on the Gambia, on the same footing as the French place the English, trading with their settlements on the Senegal;—let him give the French nothing at the Gambia which we do not get at the Senegal. How do matters stand in that part of the world at present? Every advantage which the most liberal commercial policy can afford, is afforded by us on the Gambia to the French trader who comes there. Our port of St. Mary is open to the French; but their port of St. Louis on the Senegal, they will not allow a British vessel to approach; and at Goree, which is to enjoy all the privileges of a free port, the severity of the French system is such, that they will not allow even a single package to be transhipped from one vessel to another, if it be destined for any of the British possessions on the Gambia. That is, indeed, a one-sided reciprocity; and if the Noble Viscount will but hint at this mode of retaliation which I have suggested, all the difficulties of this complicated question will be settled at once.

There is another point connected with this subject, to which, however, I will advert but slightly, as I reserve it for much better and much abler hands than my own,—I mean the encouragement which these transactions have given to the revival, on the western territory of Africa, of that sinful traffic, to the abolition of which this country, under Divine Providence, has so mainly contributed. I am assured that the French authorities, in these newly acquired places, are absolutely engaged in purchasing slaves, to be deported to their settlement in Cayenne. I shall reserve that topic, however, for a Noble and Learned Friend of mine now absent from the country, who assured me that he would not be twenty-four hours in England without bringing her Majesty's Ministers to book upon it. A Noble Lord on the opposite benches surprised me not a little by saying that my Noble and Learned Friend had vanished into thin air, and had not left a wreck behind. Now, I have it under the hand and seal of my Noble and Learned Friend that he is still a living substance; and that your Lordships will soon have the pleasure of seeing and hearing him once more amongst you. In going over my papers, I find that I have overlooked one—a Return, which shows the value of this (the Senegal) trade to us before it was interrupted; what it was at the period of the interruption, and what it has been since. The Return is dated the 11th of April, and gives an account of the Senegal gum imported into this country. In 1833, there were (brought by British vessels) 15,125 cwts. of Senegal gum imported into this country; in 1834, there were 19,502 cwts.; in 1835, when the trade was interrupted, there were 220 tons; in 1836, when the French took possession of Senegal, and the importations of gum into this country came in foreign bottoms, the quantity was 16,742 cwts., and, in 1838, it was 29,274 cwts. This statement alludes to the quantity of gum alone, and not to the entire imports of all products from Africa. I have now done with the Caramanzas case. I hand it over to the Noble Viscount for him to consider of it,—that, I believe, is the technical term;—in other words, I hand it over to the Noble Viscount to form a new item in the outstanding account which has so long existed between him and the merchants of England; and I hope that the Noble Viscount will be enabled to place it to the credit side of his ledger. However wearied your Lordships may be with the repetition of these matters, I cannot conclude without making a few remarks on the original aggression at Portendic, to which I adverted last year. That transaction has since been laid in all its bearings before Parliament. It is no party question,—it is no question of ins or outs, of Whigs or Tories,—it is an Englishman's question, and as such only do I intend to treat it. It has been twice brought before the House of Commons by one of the most zealous and able supporters of her Majesty's Government, the Honourable and Learned Member for the Tower Hamlets (Dr. Lushington),—no mean authority, by the bye, upon any matter of international law. Twice was that Honourable and Learned person told by the Noble Secretary of State for Foreign Affairs that the matter was under discussion between the two Governments of England and France. I wish to know whether those discussions are yet terminated? It appears that no less than six years have elapsed since the date of the transactions which have given rise to those discussions. If the reasonings of the Noble Secretary of State for Foreign

Affairs have failed, during all that time, to convince the French Government of the justice of our claims, I cannot help thinking that it was the duty of the Noble Secretary to have, himself, come down to Parliament for advice and assistance. I am perfectly confident that such would have been the course of Mr. Pitt, — that such would have been the course of Mr. Canning, — that such would have been the course of his lamented successor (Lord Dudley and Ward),— that such would have been the course of my Noble Friend near me (the Earl of Aberdeen),— and of the Noble and Illustrious Duke, whose absence, in common with the whole House, I deeply regret. Such, too, I am confident, would have been the course of the Noble Viscount himself, had it been a question with a feebler state than France. Had it been a question with Portugal, long ago would your Lordships have had, on the table of this House, a Bill of coercion, and of Portuguese pains and penalties. At all times, the claims of our injured fellow subjects are fairly entitled to the prompt consideration and full support of the servants of the Crown. That is a general principle; but in this case, I contend, that these parties have a peculiar right to be so considered, and so supported. And why? Because it is mainly owing to the Government itself, — because it is owing to the reliance of our merchants on that Government, — that they have been drawn into the difficulties, and have incurred the losses, of which they now complain. I was but imperfectly aware of this fact, last Session. Now, I can produce the most satisfactory proof of it. After the first aggression made upon our trade by the French, our merchants were naturally anxious to know from the Government, whether they could continue their trade in safety, or whether they would be risking their capital by making further ventures to the coast of Africa. They therefore made application on the subject to the Colonial Department, in the bad, that is to say, in the latter, half of the year 1835. They were desired to reduce that application into writing. They accordingly made it in writing. At that time a Noble Lord, who has recently become one of the ornaments of this House, was at the head of the Colonial Department. Upon the 12th of November, 1834 — (I should have said 1834, not 1835), — a letter was written from the Treasury on this subject, in which it was stated that British commercial interests, on the west coast of Africa, should have every protection of the rights guaranteed to them by treaty between the Governments of Great Britain and France. I ask your Lordships whether this was not a sufficient guarantee to the mercantile interests in that quarter against all risks from a possible state of war? Thirty-five years ago, a very ingenious pamphlet was published by the father of the present Member for Sheffield (Mr. Ward), entitled *War in Disguise, or the Frauds of Neutral Flags.* But the transactions which have taken place since that period prove, that other descriptions of war may arise than those which were contemplated by the author of that pamphlet. I wish, then, to know the precise state of the negotiations between England and France, upon the subject of our Portendic trade; whether any scheme of convention has been proposed; and, if so, upon what principle it is founded. To do complete and ample justice to these claimants, the only principle upon which such a convention ought to be founded, is that which is called "consequential damages." If the French had no legal right to establish these blockades, — and I have the authority of Dr. Lushington, and of all the Queen's law officers, as well as of the Noble Secretary of State for Foreign Affairs himself, that they had not,—I contend, France is responsible for every species of damage and injury accruing from those blockades. The Noble Viscount will tell me, that these claims have been unreasonably exaggerated,—that the *Commission Constructative*, attached to the Foreign Department in Paris, has assessed these damages; and that the amount has been fixed for the claimants at the very insignificant sum of 60,000 francs.

Now, in this transaction, it is to be remembered that there are two distinct epochs — up to 1834, and subsequently. The first epoch was marked by the seizure of the two ships, for which, and not for the losses accruing subsequently, the 60,000 francs were awarded. If British subjects have any rights whatever remaining to them, under treaty, convention, or other arrangement, in connection with the western coast of Africa, I cannot but believe that the time is come, when it is proper to vindicate them by something more than mere remonstrance. If the honour of the French nation, when wounded by an affront offered to their consul by the Dey of Algiers, can only be appeased by the expulsion of that chief from his dominions, by the extermination of his subjects, and the appropriation by the French Crown, not only of the whole of his territory, but the whole of the regency of Algiers; — if the French Government think fit to blockade Mexico, to bombard Vera Cruz, to put a stop to the whole commerce of the Plata river, to take possession of Monte Video; — if the French Government think it right to do all this, upon the ground of injuries, real or fantastic, to its subjects;—I cannot perceive upon what principle it is that that self-same France, whilst vindicating her own rights in every quarter of the globe, should delay, and should thus deny, justice to the subjects of the Queen of England, and should, as it were, set at nought the majesty of the British Crown. I shall now move, "That an humble Address be presented to Her Majesty, for copies of all despatches received from and addressed to the Governor or Lieutenant Governor of the Gambia, relating to the gum trade, and to the aggressions of the French on the western coast of Africa, since 1832; also, for copies of all despatches to the British admiral on the African station, or to the commanders of British ships of war cruising on the west coast of Africa, on the same subject, and from the same period; and, also, for copies of all communications or applications for redress, made by British subjects to the Foreign or Colonial Office, relating to transactions on the west coast of Africa, together with the answers thereto, from the year 1832 to the present period."

VISCOUNT MELBOURNE. — I certainly cannot complain of the Noble Viscount for bringing these matters under the consideration of your Lordships. I admit that they are matters of great importance, and well worthy of your Lordships' attention; but I have a right to complain — or at least I should have a right to complain—of the angry and irritable tone and manner with which the subject has been introduced by the Noble Lord; and I should also have a right to complain of the pointed sarcasms of the Noble Lord, in reference to a foreign power, if it were not that the latter part of the Noble Lord's speech was wrapped up in so much of allegory, with such a mixture of Greek epigrams, and other matters that belong rather to the region of poetry or of fiction than of debate, as to have rendered the tone in which he commenced his speech innocuous, and unattended with those exacerbating effects which it might otherwise have produced. As it is likely that your Lordships will hear, in the course of the Session, many arguments, many motions, many statements, and many matters of this nature, and of this character, I would implore your Lordships to consider them calmly and patiently, but at the same time with firmness and with resolution. The Noble Viscount has said, that when, on a former occasion, I addressed the House upon this subject, I did so in a firm and resolute tone. I trust that whilst I hold my present situation, or whilst I shall occupy any other station, I shall never be wanting in firmness, or in resolution of tone, on this or on any other subject. But I trust, also, that all Noble Lords will address themselves to subjects of this kind with the greatest calmness, and the greatest temper, recollecting their vast importance, and the serious consequences which speeches delivered in this House may possibly lead to. It is now about one hundred years since this country, in consequence of complaints of injustice which even in modern times have been said to have been entirely without foundation, and which I myself believe to have been greatly exaggerated, and to have been mainly preferred for the party purpose of attacking the Ministers of that day, was hurried into a war which was not productive of any great honour or any great advantages, which added seriously to the burdens of the country, and which laid the origin of many of those taxes that are most objectionable in our financial system; and with reference to which, Burke afterwards reprobated and condemned those who were most active in authorising or in instituting it. Whilst, then, I advise the strictest attention to the rights, and the closest observation to the interests, of British subjects, I cannot, at the same time, too strongly recommend the most complete exemption from every thing calculated unnecessarily to provoke vindictive feelings. I will not make any particular observation on the petition which the Noble Viscount has presented; but that it prays for something equally absurd and extravagant, — namely, that we should get rid of the settlement altogether. Now, such a prayer may possibly proceed from the influence of the irritation under which the petitioners are smarting; or, probably, if the matter were investigated, it would be found that those who wish for a ground of attack against the present Government like to convey their bitterness in that form. If I were to judge from the emotion with which the Noble Viscount read the last sentence of that petition, I should be inclined to believe that the Noble Viscount wrote it himself: it is very much in the Noble Lord's style; except that it is calmer and simpler, and more to the purpose. At any rate, I cannot help thinking that the petition has been suggested by a gentleman who has some personal purposes to serve, or some party enmities to gratify. I will begin with that with which the Noble Lord concluded his speech — with those questions which he brought under the consideration of the House, in a former Session of Parliament, respecting the outrage committed on certain vessels belonging to her Majesty's subjects at Portendic, and to the interruption of our trade on the coast of Africa. I have to say, on this subject, that the French Government — the late French Government I mean, — though, of course, I have every reason to believe the engagement I am about to mention will be acted upon by their successors, — but the late French Government acceded to the establishment of a mixed commission for the consideration of all these matters, the sitting of which has only been delayed by the non-appointment of persons to represent the British Government upon that commission. These gentlemen are now determined on; and I see no reason whatever to prevent the commission from forthwith commencing its operations. But at the commencement of a negotiation of this description, nothing could be more inconvenient than the production of the previous correspondence, — correspondence, much of which, in its nature, must necessarily be adverse. In fact, its production would be more likely to impede the progress of the negotiation than to lead to any satisfactory termination.

I will now proceed to relate all that the Government knows with respect to the proceedings at the Caramanza river, the immediate cause of this motion. That river is one which, rising in the interior of Africa, runs into the sea parallel to, but south of, the Gambia. The Noble Lord has said, that the nominal property of the river is vested in Portugal. It is a property which they have not been able to make good, but which they merely possess nominally, in consequence of their having a small settlement at the mouth of the river. Up this river, at a certain distance from the source, the French have purchased from the natives a piece of land. The facts I am now stating are taken from the Report of an officer, who was sent up that river by the Governor of Gambia; which Report has been received at the Colonial Office. The French purchased a factory near an African village of the name of Sedjou. In August, the Grant schooner, an English vessel, entered the river with a view of trading with the inhabitants of Sedjou. They were warned by the French that they had no right to do so; and it is stated, in the affidavits of the parties, that the people at the French factory endeavoured to persuade the natives of Sedjou not to permit the English to trade. They were, however, unsuccessful; and the trade was opened. That vessel completed her cargo, and was going down the river, when they met another vessel, the Highlander, belonging, I believe, to the same firm. For the purpose of transhipping the cargo, the two vessels returned, in company, to Sedjou. The moment a native canoe came off to trade, the two vessels were boarded by the French, who worked one down the river for some distance, and run the other aground. The crew and supercargo left this vessel, saying to the French, "We shall come upon you for the loss we sustain in abandoning it;" and, some time after, made their complaint to the Governor of the Gambia, who very properly sent affidavits detailing the matter to the Governor of Senegal, demanding reparation for the injury sustained. He replied, that the French claimed no exclusive right to the Caramanza river; that the flag of every nation might enter that river; but that they did claim a right to the village of Sedjou, because they had purchased this factory; and that none had a right to trade there but themselves. The Governor of Senegal stated that, as these claims were advanced by the French, he trusted that the Governor of Gambia would prevent British subjects from trading with Sedjou until the matter should be settled between the two Governments, to whom he proposed to refer the whole matter. The Governor of Gambia said that he could not enter into any such arrangement, and that he must give every protection to British subjects that might repair to Sedjou. He then sent an officer to Sedjou, to learn the nature of the transaction between the natives and the French. This gentleman states, in his Report, that the natives admitted that the factory had been sold to the French, but denied that they had sold the village of Sedjou, and declared that they did not intend to sell it. It appears, from this statement, therefore, to be an unwarrantable pretension, on the part of the French, to say that no foreign nation shall have a right to trade with Sedjou. To the factory, and that alone, can they establish the right. Any claim beyond that, I apprehend, is perfectly extraordinary and untenable. Their exclusive right to trade with the factory must be admitted. This is the real state of the question. I must now observe, that the last despatch from the Governor of the Gambia, giving the account of the officer sent to Sedjou, was only received at the Colonial Office on the 10th of February, and at the Foreign Office on the 20th. The natural and proper course to pursue is, to refer the whole matter to the Queen's Advocate and other law officers of the Crown; and, upon their Report, if unfavourable to the French claims, to make that demand for explanation and reparation from the French Government which the circumstances of the case may not only justify but demand. Considering that the matter is so recent, and still pending, and that there has not been time even to take the preliminary steps which are, in such a case, to be adopted, I think that your Lordships will scarcely interfere with the progress of these negotiations, by calling for the information which is now sought. I trust, therefore, both with respect to the general question of Portendic, and this particular question, that the Noble Lord will not think it necessary to press his motion. With respect to what has been said of persuading the French to do justice, by depriving them of those commercial privileges which they now enjoy in different parts of the world, but which they do not appear willing to reciprocate, that is not the question now under consideration. The Noble Viscount has mixed up a great number of extraneous subjects with his motion; but, as to the matter of the motion itself, I trust that the Government will soon be enabled to furnish him with some satisfactory information. The Noble Lord has attributed these proceedings to the want of sufficient naval protection for British commerce trading on the western coast of Africa, and, in particular, at the Caramanza river. There are, however, twenty vessels of war, belonging to England, upon the western coast of Africa. It is true that those vessels are engaged in watching slavers, and that they have fully enough to do in that service; but the same vessel which brought the despatch to which I have alluded, also brought an account that a vessel of war, sent by the officer commanding at Sierra Leone, had arrived in that river; which the parties interested acknowledged to be perfectly adequate to give protection to our trade. I hope the explanation I have given will be satisfactory to your Lordships; and I trust, after that explanation, that the Noble Lord will not think it necessary to press for the production of the papers he has moved for.

VISCOUNT STRANGFORD. — I am aware that it is extremely irregular and unusual to make the request which I am about to make to the Noble Viscount. I was forced to leave the House by indisposition when the Noble Viscount commenced his address, and since I have come in again, I have heard that the Noble Viscount has been pleased to state something about my having suggested this petition. I call upon the Noble Viscount, in that spirit of courtesy which is due from one gentleman to another, to tell me what he did say, in order that I may answer him.

VISCOUNT MELBOURNE. — Nothing is so fallacious as judgments founded on a similarity of styles. I said that the last part of the petition resembled, very much, the style of the Noble Lord, and that, perhaps, he might have suggested it.

VISCOUNT STRANGFORD. — It is, perhaps, my misfortune; but I have been so very little in correspondence with the Noble Viscount, that I am at a loss to understand what he founds his judgment, as to the similarity of style, upon. For the present, I merely declare, upon my honour, that not one line of that petition was written by me, or ever seen by me, till it was put into my hands.

The MARQUESS of LONDONDERRY. — I am sure the Noble Viscount would not have made such a charge against my Noble Friend if he had seen attached to the petition such names as these: — "Charles Grant and Co., Forster and Smith, Geo. C. Redman, Thomas Goddard, W. B. Hutton and Sons, Henry Weston, Robert Harrison and Co., Robert and Benj. Brown and Co., Simon Samuel. — For themselves and others interested in the trade."

The EARL of MINTO. — I would not have risen to say one word, if it had not been for the declaration of the Noble Viscount, that all this inconvenience to our trade has arisen from an insufficiency of naval protection on the African coast. The Noble Lord alluded to representations which were made to the Government in the year 1835, and particularly remarked that it was at the latter end of that year.

VISCOUNT STRANGFORD. — But I corrected myself, and afterwards said 1834.

The EARL of MINTO. — But the Noble Lord was not incorrect at all as to the date; for representations were made in the latter end of 1835; and, in consequence of these representations, the Admiralty despatched a powerful force to the coast of

Africa, in order to protect our trade, and to assert the right of our merchants in that part of the globe; and that force was perfectly successful in the object for which it was sent out. Since that time, occasional applications have been made for a naval force; and in every such case a force has been sent out, which has been duly acknowledged to be sufficient for the purpose for which it was demanded. Under these circumstances, it was impossible that I could have allowed the observations of the Noble Viscount on this subject to pass unnoticed, the fact being that the Admiralty never fails to answer every call which is made upon that department for protection.

The EARL of ABERDEEN. — There can be no doubt that my Noble Friend has brought this subject under your Lordships' notice with extreme reluctance; and I am sure that he has not taken such a step without mature consideration. My Noble Friend must have been aware of the great inconvenience of discussing questions of this nature in this House; and he must have known, also, that complaints of this kind, directed against a foreign state, and more particularly such a state as France, could not be unattended with the most grave and weighty considerations, from the serious consequences which might result from their discussion. Such are my opinions, and I therefore agree with the Noble Viscount at the head of the Government, that questions of this nature ought to be treated with all calmness and deliberation. But while I make this admission, I must at the same time ask the Noble Viscount what it is that he expects us to do? We see the flag of England despised and outraged in every quarter of the globe. We are every day made aware of the complaints of the mercantile community of want of protection to their trade and commerce; and after vain and fruitless attempts to obtain redress from the Government, we find the merchants of this country addressing this House, and praying for the interference of your Lordships. Under such circumstances, what are we to do? Are we to give to the Government that unmeasured confidence to which they can only be entitled from those who approve of their policy, and who sanction the measures which they adopt? It is impossible for Noble Lords on this side of the House, holding the opinions which they have ever entertained of the Noble Viscount and of his colleagues in the Government, and of their conduct as a Government, to have that confidence in the energy of the Noble Viscount and in the success of his representations and remonstrances with foreign powers which would justify them in remaining silent when questions of this kind are brought under their notice. What encouragement, I ask, have we to place that confidence in the Government of the Noble Viscount? Here is a case of the most flagrant outrage that has ever been committed on our flag and on the commerce of the country, and which, notwithstanding, is, after six years of remonstrance and representations, still unredressed; no result having followed the exercise of the authority possessed by the Government, all their representations and remonstrances having been without effect. At the end of those six years, however, it appears that a commission is appointed. Such a step might be proper in cases of a doubtful character, where there are conflicting claims to be considered and decided; but here there is not a shadow or pretext of excuse for the outrage: such, I believe, is the opinion of those whom the Noble Viscount must know to be the best qualified to decide on subjects of this kind. But we have now a more recent case of outrage; and the Noble Viscount urges, as a reason for not producing the papers relating to this question, that it would be premature to enter into any inquiry at present, as the Government have only recently received an account of the affair. That is, no doubt, a sufficient reason for resisting the motion of my Noble Friend; but if, in reference to this new case, the result is to be six years of fruitless remonstrances, and then the appointment of a commission, the parties aggrieved may feel themselves in the situation which that Noble Viscount has described from Spenser, and will be exposed to all the miseries of hope deferred, and all the evil consequences of delay. We should be cautious, my Lords, no doubt, as to the manner of urging complaints of this kind upon the House; but the case of the present petitioners is not in any way similar to that of Captain Jenkins and others, in the last century, which have been alluded to by the Noble Viscount; for in this case the grievances are real and substantial. Nor are these outrages confined to one particular portion of the globe; for, go where you will, similar grievances meet you in every region. If this is the result of our much-boasted French alliance, then I must say that it bears the most bitter fruit, so far, at least, as the commerce and the prosperity of the country are concerned. No one can be more anxious than I am to preserve peace; and I should be most unwilling to do or say anything which could endanger it. But, then, let us have not only the shadow but the substance. Let us have peace itself,— "*non solùm nomen, sed re verâ, salutem.*" If we are actually at peace, why have we so large a naval force in the Mediterranean? Why have we had, of late years, a revenue unequal to the expenditure— not from any falling off in the revenue itself, but solely on account of the increased expense caused by the military preparations which the Government have thought it necessary to make? I do not complain of those preparations; on the contrary, I approve of them; but still I must say that these things cannot be considered as amongst the sweets of peace. As I do not think that any practical good would result from my Noble Friend's pressing his motion, I trust that he will, notwithstanding the prospect of a commission being appointed,—which may have a result about six years hence,— not press it to a division. At the same time, I hope that the Noble Viscount will assume a tone, both in this House and elsewhere, which shall show that this country is not so totally changed from what she was as to be incapable of exacting reparation for injurious done to its subjects. Let France be as sincere a friend as she is represented to be; still I believe that she would be not less friendly if this country were to show a determination not to pass by such outrages as those to which your Lordships' attention has been directed without obtaining redress. In my opinion, the firm resistance to outrages in the first instance, is the surest way to prevent their recurrence; and, the more firmness that is shown, the more attention will be paid to our remonstrances. I believe that the delay, in this instance, is very much the consequence of remissness in seeking for reparation. I hope, however, that the efforts of the Noble Viscount will hereafter have better success in obtaining redress than that which has hitherto attended his exertions.

VISCOUNT STRANGFORD.—After the assurance which I have given the Noble Viscount, that I have had no share in the preparation of the petition I have presented to your Lordships, I trust the Noble Viscount will see the propriety of withdrawing the charge which he has made against me. I certainly did not imagine that the Noble Viscount would object to the production of the papers for which I have moved; but after what has fallen from my Noble Friend (the Earl of Aberdeen), I shall not persist in the motion.

VISCOUNT MELBOURNE.—I am sure, that if the Noble Lord had heard what I actually stated with reference to the petition, he would have admitted that there was no charge whatever made against him. However, I now beg to say, that I did not intend to make any charge against the Noble Lord; and if the Noble Lord feels offended at the observations I have made, I at once withdraw them.

LORD HOLLAND.—I do not think that there would have been anything improper in the statement, even if my Noble Friend had said that the Noble Lord had assisted in the preparation of the petition. There would have been nothing of which the Noble Lord could have had cause to be ashamed, in offering his advice to the petitioners. I cannot see that there would have been any harm in the Noble Lord, who agrees in opinion with the petitioners, suggesting the terms in which the document should be drawn up.

VISCOUNT STRANGFORD.—Ay, my Lords, that may be true; but it is a different matter to present a petition to your Lordships under a disguise, and under false pretences.

The MARQUESS of LONDONDERRY.—The Noble Viscount often makes strong charges against Noble Lords on this side of the House; but when similar charges are directed against Noble Lords opposite, the Noble Viscount treats them with a sort of contempt. I can assure the Noble Viscount that there is no disposition on the Opposition side of the House to show temper; and I trust that our debates will always be conducted with calmness. With regard to the charge which has been made against my Noble Friend, I must say, that if my Noble Friend did write the petition, and then go and obtain the signatures of the merchants which are appended to it, such a charge would be one of a grave and serious kind; and I am therefore very glad that the Noble Viscount has apologised to my Noble Friend.

[Cries of "No, no!"]

VISCOUNT STRANGFORD.—I can assure the Noble Viscount that I never asked, and never expected, him to make an apology. I was perfectly satisfied with the explanation given by the Noble Viscount.

The motion was then, by leave, withdrawn.

LORD ASHBURTON.—I wish to ask the Noble Viscount whether the commission to which he has alluded, sits in London, or in Paris?

VISCOUNT MELBOURNE.—In Paris.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

West Stirlingshire Roads. — Report referred to the Select Committee on Standing Orders.

Exeter Markets. — Bill ordered to be brought in by Mr. Divett and Sir William Follett.

Exeter Port Dues. — Bill ordered to be brought in by Mr. Divett and Sir William Follett.

Glasgow, Paisley, and Greenock Railway. — Bill ordered to be brought in by Mr. Wallace and Lord James Stuart.

Tadcaster and Halton Dial Road. — Bill ordered to be brought in by Mr. Lascelles and Lord Viscount Morpeth.

Newcastle upon Tyne Waterworks. — Bill ordered to be brought in by Mr. Hodgson Hinde and Mr. Ord.

Billinghay Fen Drainage. — Petition of owners of land in Billinghay and Kyme, against the application for a Bill. — To lie on the table.

ARDWICK IMPROVEMENT.

Mr. MARK PHILIPS. — Sir, I wish, now, to call the attention of the House to this Bill. It is a Bill for lighting, cleansing, and otherwise improving the town of Ardwick. The commissioners for improving the town of Ardwick, in Lancashire, having obtained leave to bring in a Bill for that purpose, wished to insert a clause, enabling them to purchase land from those who might be willing to sell. That prayer, however, not having been in their original petition, their proceedings, as to it, have been declared to be informal. The notices required by the Standing Orders for the more important parts of the Bill have been given; and it was thought that these would have been sufficient for all the powers required by it; but when before the sub-committee, it was found that the powers to purchase land (which the Bill gives) required some other notices; and these have been omitted. The matter was then referred to the Committee on Standing Orders; who have reported that the Standing Orders have not been complied with, and therefore the Bill cannot proceed, unless the House exercise its dispensing power, and authorise the parties to proceed. I must admit that the whole of the Standing Orders have not been complied with; but the present is a case which would justify the House in interfering. There is a unanimous desire, in the town, that the contemplated improvements should be made; and it is generally admitted that the health of the inhabitants is seriously affected by the want of those improvements. The commissioners have adopted their only course, — namely, to petition the House. That petition I have had the honour to present, and on it my present motion is founded. Under all the circumstances, I think this a case in which the Standing Orders may be dispensed with; and I therefore move "That leave be given to bring in a Bill for better paving, cleansing, lighting, and otherwise improving the township of Ardwick, in the county of Lancaster."

On the question being put, —

SIR E. KNATCHBULL said: — I shall feel it my duty to oppose the motion. There is only one ground on which I could consent to any violation of the authority of the Standing Orders Committee, — namely, the ground of public necessity. No such ground has been urged, and therefore I do not think that a sufficient case has been made out to warrant the House in dispensing with the Standing Orders.

Mr. R. H. GREG.—I can bear testimony that the town is in a dreadful condition, and that fever is raging in many parts of it. I have the certificate of a medical man, which states that all the fevers and other infectious diseases prevalent in the town, are, in a great degree, owing to the want of those improvements which it is the object of the Bill to carry into effect.

Mr. GREENE. — After what I have heard from the Honourable Member for Manchester, I must express my hope that the House will not adopt his proposition, without the most careful consideration. It would, I contend, be productive of general inconvenience to have the Standing Orders dispensed with, except on extraordinary occasions, where a particularly strong case shall have been made out. It was to avoid useless discussion in the House, that the Standing Orders Committee was first appointed. If it shall once become known that the House can be induced to dispense with the Standing Orders, it will be made a constant matter for canvass; and every agent, who for his own reasons may be anxious to dispense with the Standing Orders, will collect a number of Members, come down to the House, and set those Orders at nought. In my opinion, if we do not preserve the authority of the Standing Orders Committee in all cases, we had better abolish the Committee altogether. If parties will not attend to the Standing Orders, it is their own neglect, and should be their own loss; nor should the time of the House be taken up in repairing their errors. I think, that after a question has been discussed in the Standing Orders Committee, and there decided upon, it is a gross breach of the Orders of this House for any Member to attempt, in the House, to set that decision aside. I know it will be urged that we consented to dispense with the Standing Orders in the case of the Greenwich Railway; but that was a very different case. The matter was, in that instance, investigated by the Standing Orders Committee, who thought it of such vital importance, that they made a special Report to the House, and felt that it was a case in which the Standing Orders might be dispensed with. This case stands on different grounds, and therefore I cannot consent that the House should dispense with the Standing Orders.

MR. AGLIONBY. — Sir, having had occasion to consider the question this morning, and having since had the advantage of hearing the opinion of the Honourable Member for Lancaster, I am sorry to say I cannot agee with him in the conclusion to which he has come. I agree, that it is a good general principle to maintain the Standing Orders, but that is not a rule to which there is to be no exception. If by any chance the Standing Orders Committee should mistake their duty, I think it would be a monstrous hardship if this House were not allowed to be a court of appeal, or that we should not be allowed to attend to any special circumstances. I must say that, in this case, the decision of the Standing Orders Committee has not been what I should have expected. The House will, I trust, forgive me for entering, at any length, into the merits of a private Bill; but this is not the case of an individual — it is one affecting the health of a populous town; and, as all the most important notices of the Bill have been complied with, it is a case in which the accidental omission of the less important notices ought to be overlooked. In the sub-committee, of which I have the honour to be chairman, we very often exercise an equitable jurisdiction in the case of petitions; and, I think, so should the House also. If the parties to a Bill shall not have complied with all the Standing Orders, I think that still they might be permitted to go on with that part of their Bill as to which the orders have been complied with. I may be wrong, but I think an equitable jurisdiction might be exercised to this extent. Having this opinion, I shall certainly vote for the motion of the Honourable Member for Manchester.

SIR THOMAS FREMANTLE. — I believe that the Honourable Member for Manchester has rested his defence of this motion on two grounds; first, that the case had been referred to the Standing Orders Committee; and, secondly, that that Committee had been misled by the sub-committee. Now, I can assure the Honourable Member that the Standing Orders Committee were not in the least degree misled in the matter. They were aware that the Standing Orders had not been complied with; and, secondly, they were aware that those orders were so clear that there ought to have been no mistake. For my own part, I have no feeling of jealousy against hearing any decision, in which I may have participated, reviewed by the House; but I think that it would be a very extreme case indeed which would justify such an act. Here is an application in which no such case is made out, and which is at the same time perfectly novel in its character. The parties attempt to split straws, and say, that, although all the Standing Orders have not been complied with, yet that they should be allowed to proceed with such portions of their Bill as are regular and formal. If we allow these attempts to succeed, the appointment of a Standing Orders Committee will be rendered altogether nugatory. The Honourable Member for Manchester has stated, as a reason for consenting to his application, that fever is now raging in the town of Ardwick. I can only say, that no statement of that kind was made before the Standing Orders

Committee; and in the petition in which the parties now ask for the indulgence of the House, the parties are equally silent on the subject. Besides, under their present Bill, the commissioners have ample powers for cleansing the streets. Under these circumstances, I do hope that the House will support the decision of the Committee.

Mr. BROTHERTON. — Sir, I can state, from personal experience, that there is a unanimous feeling in the town of Ardwick in favour of this Bill. I believe that, until the parties actually came before the Standing Orders Committee, they believed that they had complied with all the orders. The House should recollect, also, that the petitioners do not ask for any compulsory powers to purchase; they merely ask for leave to buy where parties are willing to sell. The streets are in a state loudly calling for improvement. And although I am as anxious as any man to see the Standing Orders complied with, I think this is a case which we might fairly make an exception.

SIR G. STRICKLAND.— In my opinion, a case has here been made out which would justify the House in dispensing with the Standing Orders. The Standing Orders Committee, in order to be consistent, are sometimes obliged to draw the line too strictly; and I think that they have done so in this instance; and that, seeing the state of the town, it would only be an act of humanity to allow the parties to proceed with their Bill.

Mr. ESTCOURT. — I shall feel it to be necessary to oppose the motion. The most important of the notices required by the Standing Orders have been omitted; and I see no ground why they should be dispensed with. If the House interfere in such a case as the present, the Standing Orders will be worse than useless; as every party in whose case the Committee shall come to an adverse decision, will appeal to the House. It would be better that the House should at once take the decision in all cases of Standing Orders into its own hands.

Mr. FRESHFIELD. — If I thought that the Standing Orders Committee had come to their decision on a full knowledge of the case, I should be as averse as any man to appeal to this House from its decision. It does, however, appear to me, that the Committee have not had under their consideration the whole question, as it is now before the House; but that, on the contrary, they have only ascertained that a particular order had not been complied with. It appears to me, that the question is at best but one of construction, and that the construction of the Committee has been too strict. I cannot forget what passed in this House on a former day. On that occasion, I took the liberty of saying that a new petition ought to be presented, supposing that the Standing Orders Committee had not had the subject fully under their consideration. You, Sir, suggested — and the suggestion was important — that such a course would lead to second proceedings in every case; and that it would be better at once to raise the question which is now before the House. In my opinion, that was the fairest course; and that having been adopted in this case the only question left for us to consider is, whether we shall, — having ascertained that, in substantial matters, the proceedings have been regular, — refuse these people the means of making their town clean and healthy.

LORD VISCOUNT SANDON.—I was on the Standing Orders Committee when permission to proceed with this Bill was refused; and, although always anxious to support the authority of the Committee, I confess that I joined in the refusal in this case with reluctance. The case is admitted to be a hard one; and, though I admit that the Standing Orders Committee have acted in conformity with their general rule, yet there are circumstances in this case which would justify the House in exercising its power, and in dispensing with the Standing Orders.

Mr. SANFORD. — The Honourable Members who support this motion seem to have totally misunderstood what is really the duty of the Standing Orders Committee. The duty of that Committee is not to see that the Standing Orders have been complied with, but to decide when they may fairly be dispensed with. I do not see that they can be dispensed with in this case; and I am afraid that if we now relax the rule, we shall be opening a door for every kind of abuse. Under these circumstances, I must give a decided negative to the motion.

CAPTAIN EGERTON. — Sir, the Honourable Member for Oxford University founds his opposition on the grounds that special and urgent circumstances should be alleged as reasons for any deviation from the Standing Orders. I think that there are special and urgent circumstances in this case. We have the Report of the town commissioners as to the deplorable state of the town. They state that the sewers are all stopped up, and they recommend that a Bill like the present should be brought in. In such a case, I trust the Bill will be allowed to proceed. I would be the last to damage the authority of the Standing Orders; but there are special circumstances in this case which, in my opinion, recommend it to the favourable consideration of the House.

Mr. M. PHILIPS. — I quite agree with Honourable Members, that the Standing Orders are entitled to great weight; but if ever there was a case in which they might be dispensed with, the present is such a case.

Question put, and the House divided: — Ayes 56, Noes 99; Majority 43.

AYES.

Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Anson, Hon. Colonel
Archbold, R.
Bailey, J. jun.
Bannerman, A.
Barnard, E. G.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bradshaw, J.
Byng, G.
Collins, W.
D'Israeli, B.
Duncombe, T.
Egerton, W. T.
Ellice, Captain A.
Ewart, W.
Fenton, J.
Finch, F.
Fitzalan, Lord
Freshfield, J. W.
Gisborne, T.
Greg, R. H.
Greig, D.
Grey, Rt. Hon. Sir C.
Grimsditch, T.
Hayter, W. G.
Hector, C. J.
Houldsworth, T.
Hume, J.
Humphery, J.
Hurst, R. H.
James, W.
Langton, W. G.
Leader, J. T.
Lennox, Lord G.
Long, W.
Lushington, C.
Lushington, Rt. Hn. S.
M'Taggart, J.
Muntz, G. F.
O'Brien, W. S.
O'Connell, D.
Salwey, Colonel
Sandon, Lord Visct.
Stanley, Hon. E. J.
Stuart, Lord J.
Strickland, Sir G.
Thornely, T.
Turner, W.
Vigors, N. A.
White, A.
Wilbraham, Hon. B.
Wilde, Mr. Serjeant

Tellers.
Brotherton, J.
Philips, M.

NOES.

A'Court, Captain
Alston, R.
Arbuthnott, Hon. H.
Baker, E.
Barneby, J.
Blackburne, I.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N.
Butler, Hon. Colonel
Calcraft, J.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, C. W.
Colquhoun, J. C.
Corry, Hon. H.
Crompton, Sir S.
Dalrymple, Sir A.
Darlington, Earl of
Dick, Q.
Douglas, Sir C. E.
Dugdale, W. S.
Duncombe, Hon. W.
Duncombe, Hon. A.
Du Pre, G.
East, J. B.
Estcourt, T.
Evans, W.
Filmer, Sir E.
Fitzroy, Hon. H.
Gaskell, J. M.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimstone, Hon. E. H.
Halford, H.
Handley, H.
Heathcote, Sir W.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Howick, Lord Visct.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irving, J.
Jackson, Mr. Serjeant
Johnstone, H.
Lincoln, Earl of
Loch, J.
Lockhart, A. M.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mahon, Lord Visct.
Maule, Hon. Fox
Maunsell, T. P.
Miles, W.
Monypenny, T.
Mordaunt, Sir J.
Ord, W.
Oswald, J.
Parker, R. T.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Philips, G. R.
Planta, Rt. Hon. J.
Polhill, F.
Price, R.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Rolleston, L.
Round, J.
Sanford, E. A.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smyth, Sir G. H.
Stanley, E.
Stanley, Lord
Stansfield, W. R. C.
Strangways, Hon. J.
Strutt, E.
Sturt, H. C.
Sutton, Hn. J. H. T. M.
Waddington, H. S.
Wall, C. B.
Winnington, Sir T. E.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Wrightson, W. B.
Young, J. (Cavan)

Tellers.
Fremantle, Sir T.
Knatchbull, Rt. Hon. Sir E.

Leave refused.

Glasgow Bridewell Bill, — "To continue, enlarge, and explain several Acts for erecting a Bridewell for the County of Lanark, and City of Glasgow." — Presented, and read a first time; to be read a second time.

Calton of Glasgow Police Bill, — "To continue the Term, and amend and alter the Powers, of an Act for regulating the Police of the Burgh of Calton, and Village and Lands of Mile End, in the County of Lanark." — Presented, and read a first time; to be read a second time.

Honiton and Ilminster Roads Bill, — "For more effectually repairing the Road from the Honiton Turnpike Road, near Yard Farm, in the Parish of Upottery, in the County of Devon, towards Ilminster, to the Eastern Boundary of the Parish of Buckland Saint Mary, in the County of Somerset; and for making, maintaining, and repairing several other Roads communicating therewith, in the Counties of Devon, Somerset, and Dorset." — Presented, and read a first time; to be read a second time.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill, — Petitions against, — from

Lord Blayntyre; Archibald Grahame; and James Kibble. — Referred to the Committee on the Bill; counsel ordered.

London and Greenwich Railway Bill.— Read a second time, and committed to Mr. Wolverley Attwood and the West Kent list.

London Steam Docks. — Petition of Williams Sandom, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Maiden Newton Roads Bill. — Read a second time, and committed to Mr. Strangways and the Dorset list.

Crichton Charities Bill, — "To incorporate the Trustees and others, Directors of the Crichton Royal Institution for Lunatics, at Dumfries, and for the better enabling them to carry on their charitable Designs." — Presented, and read a first time; to be read a second time.

Birmingham Canal Navigations Bill,— "To authorise the Company of Proprietors of the Birmingham Canal Navigations to extend and alter the Line of their intended Cut or Canal from Dank's Branch to Salford Bridge; and to grant further Powers to the said Company." — Presented, and read a first time; to be read a second time.

Macclesfield and Congleton Road Bill. — Read a second time, and committed to Mr. Tatton Egerton and the North Chester list.

Canterbury Pavement. — Petition of inhabitant ratepayers of the city of Canterbury, for leave to proceed with the Bill; to be taken into consideration upon Monday next, and to be printed.

Winchester Cemetery Bill. — Read a third time; amendments made; Bill passed.

Liverpool Watch Rates (No. 2.) Bill,— "To enable the Council of the Borough of Liverpool to make good the Deficiency of the present Watch Rate out of the Borough Fund, instead of levying an increased Rate." — Presented, and read a first time; to be read a second time.

Aston Small Debts. — Report from Select Committee on Standing Orders (14th of February) read. — Bill ordered to be brought in by Sir Eardley Wilmot and Mr. Dugdale.

South Eastern Railway Deviation. — Report from Select Committee on Standing Orders (this day) read. — Bill ordered to be brought in by Sir Edward Knatchbull and Mr. Law Hodges.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That, in the case of the Royal Naval School Incorporation petition, the parties be permitted to proceed with their Bill, on giving forthwith the notices required by the Standing Orders; and that the Committee on the Bill do examine, in the first place, how far such order has been complied with; and do report the same to the House on the Report of the Bill.
2. That, in the case of the Banff Municipal Police and Harbour petition, the parties be permitted to proceed with their Bill.
3. That, in the case of the Morton Carr Drainage petition, the parties be permitted to proceed with their Bill.
4. That, in the case of the South Eastern Railway Deviation petition, the parties be permitted to proceed with their Bill.
5. That in the case of the Deal and Walmer Waterworks petition, the parties be permitted to proceed with their Bill.
6. That, in the case of the Weaver Churches petition, the parties be permitted to proceed with their Bill, provided the powers of the Bill be restricted to building churches in the parishes in which the notices have been affixed to the church doors; and that the Committee on the Bill do examine, in the first place, how far such order has been complied with, and do report the same to the House on the report of the Bill.
7. That, in the case of the Ardrossan and Johnstone Railway petition, the parties be permitted to proceed with their Bill.

Resolutions agreed to.

PUBLIC BUSINESS.

PUBLIC PETITIONS COMMITTEE.

Tenth Report brought up, and read; to lie on the table, and to be printed.

BANFF MUNICIPAL POLICE AND HARBOUR.

Report from Select Committee on Standing Orders (this day) read. — Bill ordered to be brought in by Mr. Fox Maule and Mr. Duff.

MISCELLANEOUS PETITIONS.

The following petitions were presented,

and severally ordered to lie on the table; namely, —

Church Patronage (Scotland), — For alteration of the law; — from Castle Douglas; Anworth; Banff, &c.; Derkford; and Rathven.

From Glenbucket, against alteration.

Printed Papers, — from Dover, for the discharge of the sheriff of Middlesex.

Church Rates, — from Over Darwen (two petitions), for abolition.

Corn Laws, — from Newton Stuart, for repeal.

Elective Franchise and Municipal Corporations (Ireland), — for extension and reform; — from Dromcolloher; Anagh West; Holmpatrick; Ballyhea; Galloon; Lavey; Lower Bodony; Carracastle; and Clontoskert.

Municipal Corporations (Ireland) Bill, — from Galway, suggesting alterations.

From Sligo, against.

Edinburgh Market and Petty Customs Bill, — of carriers of goods between Edinburgh and Leith, against; referred to the Committee on the Bill.

PAPERS, &c.

Court of Chancery. — On the motion of Mr. WILLIAM JOHN BLAKE, abstract ordered —

Of the Returns made in Michaelmas Term, 1838, in pursuance of the 17th section of the Act 3 & 4 Will. IV. c. 94., showing the number of days on which each of the Masters of the High Court of Chancery attended at his office during the twelve months preceding such Returns; and the average number of hours occupied in one day's attendance; and also showing the number of causes, petitions, and matters of every description pending in each of the offices of the masters at the time of making such Returns; and showing how many of such causes, petitions, and other matters have been pending upon the same reference for more than five years; how many for more than four years; how many for more than three years; how many for more than two years; and how many for more than one year, so far as appears by such Returns:

Also, a similar abstract of the Returns made in Michaelmas Term, 1839, in pursuance of the 17th section of the said Act.

Leeward Islands. — On the motion of Mr. BROTHERTON, Address for —

Copies or extracts of all correspondence of Sir William Colebrooke, Governor General of the Leeward Islands, with Lord Glenelg, on the subject of the convention of a General Council and Assembly in the Leeward Islands.

MESSAGE FROM THE LORDS,

That they do request, that this House will be pleased to give leave to William Crawford, Esquire, a Member of this House, to attend their Lordships, to be sworn, in order to his being examined as a witness before the Select Committee appointed by their Lordships on the petition of the East India Company, complaining of grievances, and for relief.

Mr. Crawford, in his place, having consented; leave given him to attend, if he think fit. Messengers called in, and acquainted therewith.

NEWPORT CONVICTS.

Mr. LEADER. — Sir, I wish to put a question to the Noble Lord the Secretary for the Colonies. The notice which I have given respecting Frost, Jones, and Williams has appeared upon the Votes several times. I have attended the House every day on which that notice has appeared upon the Votes, and I have done all I could to bring the question before the House; but I have been unsuccessful in that endeavour. I do not, however, charge the Government with having been the cause of this; because I was really induced once or twice to put off the motion, in consequence of representations made to me by the counsel for the prisoners, that there were negotiations pending between them and the Government, which might be damaged by my then bringing the question before the House. Being influenced by that opinion, of course I would not have proceeded with my motion, even if I had had the opportunity of bringing the question before the House. I understand that the prisoners have already left the country. I do not mean to say that the Government had not a right to send them out of the country, if they pleased; but I think they might have waited a few days longer, in order to give the House of Commons an opportunity of expressing an opinion on the subject; and they ought not to have taken it for granted that the House of Commons would agree with them. However, as the prisoners have sailed, and as the question at issue, which is a constitutional question, and one affecting the administration of the law, will not, now, be at all prejudiced by my putting off my motion, I wish to give notice that I shall bring the question before the House on the first notice night in the week after next. I therefore merely wish to ask the Noble Lord whether it is true that the prisoners have sailed; and if the Noble Lord tells me they have sailed for their destination, then I wish to give notice that I shall endeavour to have the question at issue discussed in the House on Tuesday week. If the prisoners have not sailed, then I shall feel justified in asking the House to have the question discussed immediately.

LORD JOHN RUSSELL. — I beg to inform the Honourable Member that the prisoners have sailed from Portsmouth for New South Wales.

THE CHURCH IN NEW SOUTH WALES.

Mr. GOULBURN. — I wish to ask the Noble Lord a question respecting New South Wales. I have learned from the newspapers of that colony that there has been in the Legislative Council a measure propounded by the Governor for the general education of the youth of that colony. It appears that, by that measure, the Roman Catholic youth of the colony are to be educated in one school, in the principles of their own religion; but that all the other youth of the colony are to be educated in one common school, in which, in order to avoid religious dissensions, no religious instruction is to be given; — a plan, therefore, extending to the Roman Catholics the benefits of religious instruction, but withholding it from the children of parents professing other religions. This proposition has, however, not met with the approbation of the Legislative Council. Now, what I wish to ask is, whether this proposition has been made by the Governor in consequence of any directions from the Government at home?

LORD J. RUSSELL. — In answer to the Right Honourable Member, I would, in the first place, observe, that I have received no despatches on this subject from the Governor of that colony; therefore all the information which I have upon it is, probably, derived from the same source as that from which the Right Honourable Gentleman has derived his information, — namely, from private letters and the colonial newspapers. I, however, form from their contents a somewhat different conclusion to that which the Right Honourable Gentleman has arrived at. I understand that the Governor did make a proposition to the Legislative Council of the colony on the subject of the education of the youth of the colony. He proposed that there should be one system of general instruction to all classes of Protestants, and that the plan to be pursued should be in conformity with that acted upon by the British and Foreign School Society. The Right Honourable Gentleman has stated that this is a system of which religious instruction does not form a part. Now, the fact is, that a part of the instruction imparted in the British and Foreign Schools is reading in the Bible. If the Right Honourable Gentleman adopts the language of another person, who has stated that there is no religious instruction in connection with this society; and that instruction in the Bible does not in itself constitute religious instruction, I must say that I differ from him in his construction. However, the proposition of the Governor was, that all the Protestant children should be taught reading in the Holy Scriptures, according to the system pursued in the schools belonging to the British and Foreign School Society. With respect to the Roman Catholic children, I understand that it was proposed that there should be separate schools for them, and that the religious instruction to be imparted to them should be by their own teachers. Great objections were made to this proposition in the colony, and the Governor did not persist in it. I do not find that any instructions have been sent out to the Governor of that colony authorising him to make this proposition. I can only repeat, that in the schools in which the Protestant children were to be taught, it was proposed to instruct on the plan of the British and Foreign School Society.

Mr. GOULBURN. — I beg to remind the Noble Lord, that my question was not, as to whether or not any Scripture instruction was to be given in the schools proposed to be established for the Protestant children; but it was, whether the children of Roman Catholics were to have provision made for their education, in their exclusive schools, in the Roman Catholic religion, while the children of the members of the Church of England were to be educated in schools from which religious instruction, in connection with the Church of England, was to be excluded.

LORD J. RUSSELL. — I have only to say, in reply, that I have received no official information on the subject; but I imagine that it was proposed that the religious instruction for the children of

Protestants was to be given in their schools, and that they were to be taught to read the Holy Scriptures, — of course, not excluding them from religious instruction by their respective clergymen. The instruction in the Roman Catholic schools was to be in conformity with the faith the children professed. I, however, can only repeat, that I have received no official information on the subject; I, therefore, cannot give any further explanation.

PRISONS ACT.

Mr. BARNEBY. — I wish to know from the Honourable Under Secretary whether the Home Office has made any inquiries as to the extent to which the Prisons Act of last Session has been carried into operation, and as to whether its provisions have been adhered to?

Mr. FOX MAULE. — I can inform the Honourable Member that no inquiries have been instituted by the Home Office, as to whether or not the provisions of the Act have been adhered to; but in all cases in which the Act has been adopted, information has been forwarded to the Home Office. I did not receive due notice of the Honourable Member's intention to ask the question. I therefore can give him no further answer, now, but shall be happy to do so on a future occasion.

METROPOLITAN POLICE ACT.

COLONEL T. WOOD. — I wish to ask whether it is the intention of Her Majesty's Government to introduce a Bill or Bills to alter or amend these Acts of last Session, — namely, the Metropolitan Police Act, and the Metropolitan Police Courts Act; and, if so, whether they will be brought in on an early day?

Mr. F. MAULE. — In reply to the Honourable Member, I beg to say, that it is not the intention of the Government to introduce any Bill to alter or amend the Metropolitan Police Act; but they do intend to make some amendments in the latter measure.

PERTHSHIRE WRIT.

SIR G. CLERK. — I move that the Order of the Day for the examination of the Deputy Clerk of the Crown be now read.

The Order of the Day having been read, the Clerk of the Crown was called in, and examined respecting the issue of two writs for the shire of Perth, and the order sent from his office to the sheriff to return the writ first issued.

SIR G. CLERK. — Are you the Deputy Clerk of the Crown? — I am.

Is it your duty to make out the new writs for Members of this House? — It is.

When did you receive the Speaker's warrant for the Perthshire election? — The chief clerk, in my office, received a warrant from the Speaker on Friday last. I understand that the warrant for the new writ was received at about ten minutes to seven o'clock. The new writ for the county of Perth was made out immediately on the receipt of the warrant. It was then sent to the Lord Chancellor's office, for the purpose of being sealed; it was then finally despatched to the Post Office.

At what hour? — At about a quarter past seven.

Was the writ made out in conformity with the Speaker's warrant? — The writ was not made out in exact conformity with the warrant of the Speaker; as the chief clerk made it out in the usual form, that Viscount Stormont was called up to the House of Peers. Shortly afterwards, he found that he had not issued it in exact conformity with the Speaker's warrant; and this erroneous writ had been despatched by Friday's evening mail. He immediately prepared another, which he got sealed, and took care to have it sent away by the mail on Saturday morning.

At what time was the mistake discovered? — I believe that the chief clerk discovered it shortly afterwards, — perhaps within an hour or less of its being sent away. He discovered it before he left the office. He prepared the writ in the usual way in which it would have been in similar proceedings. The first writ has been returned to me by the sheriff.

What was first done on discovering the mistake? — I understand that, immediately on the discovery of the case, the chief clerk came to the House, and had an audience of the Speaker, and asked his advice as to the course he should pursue. The Speaker, however, declined to give any advice. The chief clerk, therefore, took upon himself to make out and issue a fresh writ; and if I had been in the way, I should have given instructions for this purpose, and have taken care that a new writ should be immediately issued. The first writ was returned to my office by the sheriff of Perthshire, in conformity with the instructions of the chief clerk.

Is there any precedent for those instructions of the chief clerk? — I am not aware of any precedent for ordering a writ to be returned to the office. I believe the chief clerk desired to have the writ returned; and I know the sheriff did return it.

Are any copies of the letters which passed preserved at your office? — They are not.

Have you any further explanation to give of the circumstances of this case? — I have only further to say, that it has been the long-established custom of the Crown Office to send off writs, if possible, by the mail, on the night on which the Speaker's warrant is issued. In this case, we had to prepare two writs; and that was the reason why the mistake occurred.

The Clerk of the Crown was then ordered to withdraw.

SIR GEORGE CLERK. — Sir, I think that, after the facts which have been stated by the Clerk of the Crown, it will be generally felt that I was fully justified in calling the attention of the House to this subject. It appears, from the evidence given by the Clerk of the Crown, that whatever has been done with regard to issuing the writ, has not been done by the Clerk of the Crown in person, but by his chief clerk. As far as I can gather from his evidence, it appears to be the practice of the office, that, on receiving information that a new writ would probably be moved for at the meeting of the House, the Clerk of the Crown at once prepares the writ. Perhaps that plan is attended with general convenience. It appears that, on the present occasion, the Clerk of the Crown exercised his discretion on the subject, and naturally conceived that the writ to be moved for on Friday would be made out in exact accordance with new writs in similar cases. In consequence of the discussion which had taken place in the House, the regular form was departed from in the warrant; and so the mistake has arisen. It appears, from the evidence of the Clerk of the Crown, that though the writ was not sent to the Lord Chancellor to be sealed until the warrant was received, yet it was despatched without the warrant having been read. There is another point of some importance, as being without precedent. It is without precedent that the Clerk of the Crown, and still more his subordinate officer, should take upon himself to write to a sheriff to order him to return a writ which had been issued from the office. This House has always exercised the greatest jealousy in reserving to itself the discretion of issuing, suspending, or superseding new writs; and therefore I think it is a question deserving of the consideration of the House, whether, in cases of this kind, a special Report should not have been made to the House, in order that the error might be corrected, the first writ superseded, and the new writ issued by the authority of the House. No practical inconvenience has arisen in the present case; but there does not appear any sufficient justification for the clerk's negligence in despatching the writ the moment he received the warrant, without taking the ordinary precaution of reading the warrant, in order to make out the writ in conformity. I think that the Clerk of the Crown should not be allowed to exercise any discretion, but should implicitly obey the orders of the House. I trust that Honourable Gentlemen will agree that this case, at all events, ought not to be drawn into a precedent. Under these circumstances, I do not wish to pursue the question further, but I hope that greater care will be taken in the issuing of writs in future.

LORD JOHN RUSSELL. — I think the Honourable Baronet was quite right in calling the attention of the House to this subject. It does not appear that there was any error in the warrant of the Speaker, but that it has occurred entirely in the office of the Clerk of the Crown. It is quite right that this case, and every other case of a similar nature, should be brought under the notice of the House; and I agree with the Honourable Baronet, that, attention having been called to it, it is to be hoped that no similar error may arise.

CONTROVERTED ELECTIONS — LUDLOW ELECTION PETITION.

Mr. ORD. — Sir, having the honour to be chairman of the General Committee of Elections, it is my duty, in consequence of the circumstances detailed in the special Report which I presented on a late evening, in the case of the Ludlow election petition, to move, "That the order of the 19th of February, for the attendance of panels No. 1. and 2. on the 12th and 16th of March, be discharged, and that the petition of George Hooper and others be referred to the General Committee of Elections."

The SOLICITOR GENERAL.—Sir, the Honourable Member who has just sat down has called my attention to the difficulty in which the General Committee of Elections find themselves in reference to this subject; and has consulted me as to the course which ought to be taken. With the permission of the House I will state what the difficulty is, and what appears to me to be the remedy. The difficulty has arisen from this circumstance,—that the Ludlow election petition is an election petition of last Session. By the 93d section of the Bill brought in by the Right Honourable Baronet opposite, it is enacted, that all petitions of a former Session should be brought forward before any petitions of the present Session. I believe that any petition, when so brought forward in the present Session, will be subject to all the provisions which would apply, supposing the petition had been, in fact, presented in the present Session;—being treated as the first petition of the Session. It appears that, in the Ludlow election petition, the sitting Member has declined the defence of his seat; and that certain electors have petitioned to be let in, to defend in his stead. The clauses which relate to such a state of things I have read to the House. The first section which applies to it is the 19th, which provides, that when the sitting Member shall decline defending his seat, notice thereof shall be given in the *London Gazette*. By section 20. it is provided, that the electors may be let in to defend, in his place; and, upon their admission, that the petition should be treated in all respects as an election petition. Section 30. provides, that all election petitions, and petitions treated as election petitions, shall be referred to the General Committee; that proceedings, in cases where the sitting Member shall decline defending his seat, shall be suspended for thirty days after the appearance of the required notice in the *London Gazette*. It provides, further, that the General Committee shall make out a list of petitions, putting them in the order in which they have been reported on by the examiner of recognisances; and not including in the list any petition in which the proceedings shall have been suspended; that is, petitions in which the sitting Member shall have declined to defend his seat. In every case in which proceedings shall be afterwards suspended, it is provided, that the petition shall be struck out of the list of the General Committee, and placed at the bottom of the list. This section, therefore, directs that the list to be prepared shall not contain any election petitions in which proceedings have been suspended; and also contemplates cases in which proceedings may be suspended afterwards. It is material to observe this, because it is on this section, I believe, that the present difficulty turns. The 47th section directs the General Committee to give three weeks' notice of the day appointed for choosing a Special Committee, and requires those Special Committees to be chosen in the order in which they stand on the list. The 48th section provides, that notice of the day shall be given to all parties, including the parties let in to defend instead of the sitting Member. These are the questions affecting this case. The House will bear in mind that the Honourable Member has told us that the Ludlow election petition was referred to the General Committee, who, believing it regular, proceeded to appoint the day for nominating the Special Committee, and to give the proper notices. It was afterwards discovered that, by reason of the omission to refer to the Committee the petition of the electors praying to be let in to defend, there was no provision for giving notice to the parties connected with that petition, and, therefore, that the petition had never been properly before them. The day is now approaching on which the Special Committees should be nominated in the order in which the petitions stand on the list. The Ludlow petition stands early on the list, and the Committee, for the reasons I have mentioned, are not in a situation to nominate the Special Committee upon it. The question, then, is, what are they to do with the remainder of the petitions; whether to postpone all, or to postpone the Ludlow Committee only, and proceed to nominate the others? It has been proposed to postpone all; but I submit, that that will not be necessary. It would induce an inconvenience by no means necessarily resulting from the Act of Parliament. By section 30., the Legislature has provided for cases in which, after petitions have been put upon the list, proceedings are suspended, by directing such petitions to be struck out of the list, and placed at the bottom. I think, therefore, from the short consideration which I have been able to give to the question, that there will be no difficulty in the General Committee striking the Ludlow petition out of the list, and placing it at the bottom. They will then be a situation to proceed with the nomination of the other Committees. I may further observe, that if this particular case is not exactly provided for by the Act, it should be borne in mind that those sections in the Act which have reference to the point are what, in legal construction, are held to be directory clauses. It is well known that in every Act of Parliament there are clauses which, though positive in their directions, and obligatory on the parties, yet do not, in their breach, involve the validity of the entire proceedings; and therefore, though the House is bound to adhere to them, and, in certain cases, parties may be punished for not doing so, yet, if the necessity of the case should compel steps to be taken which the Act does not provide for, such circumstances do not affect the validity of the proceedings under that Act.

Mr. ORD.—Perhaps it would be better to withdraw my motion, if the course pointed out by the Solicitor General be the proper one to be adopted.

SIR G. CLERK.—I should wish to know whether the question is settled?

SIR GEORGE GREY.—If the construction of my Learned Friend the Solicitor General be now adopted by the House, the General Committee may at once place the Ludlow Committee at the bottom of the list, and proceed to nominate the other Committees.

SIR GEORGE CLERK.—I did not gather from the observations of the Learned Solicitor General, that, in his opinion, the General Committee has authority to suspend the proceedings in the Ludlow petition only. No doubt it would be productive of advantage if they had; but it appears to me that an order should be made, for the purpose, by the House itself. The provisions of the Act show the greatest jealousy of allowing the General Committee to alter any of the arrangements by which the Committees are chosen.

The SOLICITOR GENERAL. — I think, looking to the provisions of the 30th section, that the General Committee might exercise the power of striking out the Ludlow petition from the list, and placing it at the bottom. The words of that section, which occur to me as giving the power, are,—"In every case in which proceedings shall be afterwards suspended, those proceedings shall be again struck out, and placed at the bottom of the list.

SIR THOMAS FREMANTLE. — We must all agree that there is great doubt whether the Committee could exercise such a power, or that that difficulty should be got over. I do not think that the case now before us is provided for by the 30th section.

SIR E. SUGDEN.—I think it would be desirable that this question should be adjourned till Monday, to give time for consideration. I am disposed to think that the Committee have not the power, of themselves, to place the Ludlow petition at the bottom of the list. If the House will look to the 48th section of the Act, they will find these words: — "The last-mentioned notices shall be given to all the parties petitioning, and the petitions shall then be referred to the General Committee." Here the petition has not been so referred. I think it is of the greatest importance that we should not let in cases not provided for by the Act. The cases in which election petitions can be struck out are specially provided for; and this does not appear to one of them.

SIR R. INGLIS.—My Honourable Friend the Member for Buckingham seems to think that the course recommended by the Solicitor General would be safe, provided the Committee have a discretionary power; but I think that, even if the Committee had a discretion in the matter, they would not be willing to act on it. I do not think it would be safe for them to look to any lower authority than that of a resolution of the House.

SIR R. PEEL. — The difficulty, in this case, arises from the petition having been presented last Session. The petitioners were allowed to come in, to defend; but, by some chance, the petition was not referred to the General Committee. The question now is, what course we should adopt? It appears to me of the greatest importance that the course which we take shall be consistent with justice to the individuals concerned, and shall not be such as to establish an inconvenient or dangerous precedent. I think it desirable that we should have the opportunity of a few hours' consideration. I think the Honourable and Learned Solicitor General observed that he had not had time fully to consider the Act. If the Honourable and Learned Gentleman had had time to express a positive opinion, that opinion would be decisive with me. It is, therefore, with perfect respect for his legal opinion, that I suggest that it might be advisable to take some time for consideration. There are two questions,—one is, whether the General Committee has the power of suspension in this case, which I confess I have some doubt of. It should be recollected, that our inherent and constitutional power is fettered by positive enactment; and if the power of the Committee should be doubted, another question may arise,—whether the House has power to make an order on the subject? I trust it will be found that the House has that power, because no authority but the House can exercise it satisfactorily. I submit that there will be no inconvenience in the delay; and if the debate be adjourned till Monday, perhaps, in the mean time, the Learned Solicitor General will have the goodness maturely to consider the question.

LORD JOHN RUSSELL.—I have no objection to the postponement of the debate: on the contrary, I think that, under the circumstances, postponement is desirable. I wish to give no opinion upon the point at issue. I am inclined, so far as a bias goes, to think that, if the General Committee can decide the question, it ought to be decided by them. One of the inconveniences of the former practice would be, that so many questions must be brought up, for the decision of the House. Questions of this nature can be decided with much more deliberation in the Committee than by the House at large.

Question put,—" That the order for the attendance of Panels Nos. 1. and 2. on the 12th and 16th of March, be discharged."—Debate thereupon adjourned till Monday next.

Petition of George Hooper and others, to be admitted parties to defend the return of Thomas Alcock, Esquire,—referred to the General Committee of Elections.

SERVICE OF NOTICES.

SIR GEORGE CLERK.—Having already called the attention of the House to the fact of the improper service of the notices for the Ludlow election petition, I shall not detain the House further than by moving that Mr. Rose, clerk to the General Committee on Elections, be called in and examined.

Mr. John Benson Rose called in, and examined.

SIR G. CLERK.—You are the clerk appointed to attend the General Committee of Selection for Election Petitions?—I am.

What notices to the parties affected by the Ludlow election petition did you make out by the order of the Committee to be signed by the chairman?—There was a notice made out to Thomas Alcock, Esq., and another to the petitioners against the return, John Thomas and Richard Marston.

Upon what day were those notices made out by you, and signed by the chairman?—The 18th of this month.

To whom did you deliver those notices for the purpose of being served on the parties?—I delivered them to a messenger of the House, Mr. Stein.

What directions did you give him with regard to those notices?—I instructed him that they were to be delivered to the parties in the same manner as they were delivered in the last Session of Parliament, and in previous Sessions.

Did you state in what manner,—whether by personal service on the parties, or on their agents?—I did not state in what manner.

Did the messenger afterwards inform you that he had served those notices on the several parties?—He did not.

Was it his duty to have reported to you whether he had obeyed the directions which he had received from you in that respect?—I hardly know; I should conceive it was his duty, if he had not been able to serve them, to have informed me of the circumstance.

Have you received any information since, that the notices so delivered by you to the messenger were not served upon the petitioners Thomas and Marsden, or upon their agent?—I have received that information.

From whom did you receive that information?—From Mr. Ellis, one of the partners in the house of Lyon, Barnes, and Ellis.

The agents of the petitioners?—The agents of the petitioners.

On what day did you receive that notice?—On Monday last.

Did you then make any inquiry as to what had become of the notices which you had delivered to the messenger?—I did.

What information did he give you with respect to them?—I found that, by some accident, the notice intended for the petitioners against the return had been taken by an agent as a notice intended for the petitioners praying to defend the return.

Were the names of the persons upon whom the notice was to be served entered in the body of the notice, or indorsed upon it?—They were at the bottom of the notice: it was directed to them.

What has become of those notices?—That I do not know.

Have they ever been served upon the proper parties? — They could not have been duly served upon the proper parties, because there was no time to do it. I know not what has become of the notices since; I have seen them since.

In whose possession did you see them? — In the possession of Mr. Coppock.

Is he the agent for the sitting Member? — I do not know.

Is he the agent for the petitioners defending the return? — I believe not; he told me he was not, but that I cannot know.

Did he assign any reason to you, he being not the agent for the petitioners defending Mr. Alcock's return, why he retained the notice addressed to persons not being his clients? — He gave no reason; it was evidently a mistake on his part taking the notice.

How long did he retain them in his possession? — I presume he has them now; I do not know.

When did you see them in the possession of Mr. Coppock? — On Tuesday morning last.

Do you know when they were delivered to Mr. Coppock by the messenger to whom you gave them? — I do not.

Did Mr. Coppock tell you how those notices came into his possession? — He did not.

And you are not aware how it was that they did? — I am not.

What is the name of the messenger to whom you intrusted those notices? — Mr. Stein.

Why did you apply to Mr. Stein? — He is the oldest messenger of the House, I believe, and a very efficient messenger.

An HONOURABLE MEMBER. — Have you any reason to suppose that he had been accustomed to serve notices under the former practice of the House? — I have reason to suppose so.

Did you give Mr. Stein any directions respecting those notices you had put in his possession? — I did give him directions.

What was the nature of those directions? — That he was to serve them in the same manner as he had served similar notices in previous Sessions.

Did he state to you what was the mode in which he had served notices in previous Sessions? — I questioned him a little; I thought it my duty to see that he knew, coming from a new source, that they were notices upon election parties to defend election petitions; when I found that he knew distinctly what they were, I questioned him no further.

Did he inform you at all of the mode in which he was in the habit of serving notices of that description? — Yes, he told me that he served them usually upon the agent.

Did he inform you by what means he ascertained the fact who were the agents of the parties who were petitioning? — He told me he usually got the information from the Recognisance Office; but that sometimes he could not get the information.

Mr. W. MILES.—Did he state how he got the information who was the agent for the sitting Member under the former practice? — He did not.

Were any of the notices directed to Mr. Coppock? — None to Mr. Coppock.

Under what circumstances did Mr. Coppock exhibit the notices to you?—I called upon Mr. Coppock to find out in what respect the mistake lay.

What induced you to call upon Mr. Coppock? — I understood from the messenger that Mr. Coppock had the notices in his possession.

Was that from the same messenger, Mr. Stein? — No, from another.

What was the name of the messenger who stated that to you? — Mr. Poingdestre.

Mr. GOULBURN.—Have you adopted the same course with respect to the notices in the other petitions which appears to have been adopted in the Ludlow petition? — The same course has been adopted.

Have you employed the same messenger in delivering those notices? — I delivered them all to Mr. Stein.

Did he serve them correctly in the other instances? — I am not aware whether he has or not; I believe they have been served correctly, but I do not know.

You are not acquainted, in general, with the names of the agents to whom you send the notices? — No.

Mr. HOLMES. — The House understood you to say, that you directed the messenger to convey the notices to the agents without knowing their names? — No; I did not direct him to convey them to the agents: they are directed to the parties; and I was informed by the messenger that the usual way was to serve them upon the agents.

You are not acquainted, at the time you direct those notices to be conveyed, with the name of the agent? — Certainly not.

Mr. O'CONNELL. — The House is to understand that the parties to whom those notices were to be directed were Mr. Alcock, on the one hand, and the petitioners, on the other? — Exactly.

To no one else? — No.

Mr. HOLMES. — Are you clerk of the recognisances? — No.

Who is? — Mr. Booth is the examiner of recognisances.

If you had gone to his office, could you not have seen who was the agent of the petitioners? — The recognisances in the Ludlow case were entered in the Recognisance Office in the Session of 1839: in that Session of Parliament, Mr. Rose, my father, was clerk of the recognisances.

Could you not, by reference to that office, have discovered who the agent of the petitioners was? — Undoubtedly, of the petitioners against the return.

By referring to that office, you could ascertain who the agents were? — Yes.

And you did not do so? — It was not my duty to do so; if the messengers were in the habit of doing so before, I presumed they would do so again in this case. I had not the delivery of the notices.

When you saw those two notices, that were directed to Mr. Marsden and Mr. Thomas, on Tuesday last, did the person who showed them to you offer to return them to you? — There was no direct offer to return them. I dare say I might have taken them away; but when I had made myself acquainted with the fact, I left the office. I have no doubt that I might have taken away the notice; but it was so much waste paper at that time.

Did the individual who showed you those two notices offer to leave them with you;—did he hand them to you to retain? — I really cannot say whether he did or not, or what was his motive in handing them to me; I conceived it was only to show them to me.

Where was it that you saw them? Was it in your own office?—In Mr. Coppock's office.

Why did you go to Mr. Coppock's office? — To discover the mistake — in what particular the mistake lay.

SIR E. KNATCHBULL. — What induced you to go to Mr. Coppock's office to ascertain whether he had possession of the notices that were intended for the petitioners? — To discover the mistake. I was informed by the messenger, Mr. Poingdestre, that Mr. Coppock had taken the two notices.

Where had Mr. Coppock taken the notices from? — That I cannot tell. I have heard; but the messenger would be a better witness to that fact.

Will you explain to the House what you mean by the expression that Mr. Coppock had taken the notices? — That was the expression I used, and I believe it was the fact, though I do not know it, that Mr. Coppock had taken the notices from the messenger. I spoke unadvisedly when I used that expression; but I believe, notwithstanding, that to be the fact.

Which messenger? — Mr. Poingdestre.

Mr. DARBY. — Have you inquired at the Recognisance Office, for the purpose of ascertaining who was the agent for Mr. Alcock? — I should not, I conceive, find, in the Recognisance Office, who was his agent; but I have not inquired.

Have you inquired at the Recognisance Office to ascertain who was the agent for the petitioners? — No, I have not.

Could you have gained that information if you had inquired? — I could, undoubtedly.

But you have not? — No.

Did you ask Mr. Coppock, when you were at his office, where he had got those notices from? — No.

Why did you not make the inquiry? — For several reasons: it was not the direction of the Committee to address the notices to the agent. The Act says that they are to be directed to the parties; and they were, in this case, directed to the parties. It was directed by the Committee that those notices should be served in the way they had been under the 9th Geo. IV. cap. 22. The messengers better knew that mode than I did.

When you say Mr. Coppock took the notices, you mean that he received them? — Yes, certainly; that is what I mean.

The witness was directed to withdraw.

Mr. Charles Stein called in, and examined.

SIR G. CLERK. — Did you receive from Mr. Rose certain notices to deliver to the parties concerned in the Ludlow election? — I did.

Can you state upon what day you received those notices? — I cannot recollect the day.

Did Mr. Rose give you any directions as to what you were to do with those notices? — He told me they were to be served upon the different parties.

Did you serve them? — No, I did not.

What did you do with them? — I gave them to a messenger, Poingdestre, who is appointed to serve the orders of the House. He was not in the House at the time; but about a quarter of an hour after I received the orders from Mr. Rose, I gave the orders to him.

What orders did you give to him?—The orders for the Ludlow election, and the Ipswich.

What directions did you give to him with respect to serving those notices? — I told Poingdestre, if he was in a difficulty in finding the agents, he had better inquire of Mr. Parkes or Mr. Coppock, and he would perhaps obtain some information from those gentlemen.

Were they agents for either of the parties? — Mr. Coppock is, I believe.

Is Mr. Parkes an agent? — No.

Why did you direct the messenger to go to Mr. Parkes? —Because Mr. Parkes, being used to election petitions, knows a great many agents, where, even, he is not the agent himself.

Did Poingdestre afterwards inform you whether he had served the notices according to your direction? — No, he did not.

Have you ascertained, since, that they were not so delivered? — I have, since, that they were given to the wrong person.

Do you know, of your own knowledge, to whom he delivered them? — I heard that he delivered them to Mr. Coppock.

From whom did you hear that?—From himself.

You know nothing of your own knowledge, except what you heard from Poingdestre? — No.

Was there any difference in the practice on the present occasion, and that which had been pursued in former Sessions of Parliament? — Yes, there was.

What is the difference in that practice? — Every messenger has a different station assigned to him this Session; one attends in one place, and one in another; and one is appointed to deliver the orders entirely: formerly, the four messengers attended to the delivering of orders.

Mr. GREENE. — You have been in the habit of receiving notices of this description in former Sessions of Parliament? — I have.

Was there any difference in the directions given to you upon this occasion and former occasions? — No.

Did you receive any fuller directions in former Sessions of Parliament than you received upon the present occasion, as to the persons to whom you were to deliver those notices? — No, precisely the same.

Then the whole of the proceedings on this occasion were the same as they had been in former Sessions of Parliament? — Exactly so.

Mr. GOULBURN. — You told Poingdestre to apply to Mr. Parkes or Mr. Coppock, to obtain information as to the party to whom he should deliver those notices? — I told him he might go to the Recognisance Office to Mr. Rose; and if he could not acquire information, he was to inquire as well as he could.

You mentioned that you advised him to apply to Mr. Parkes or Mr. Coppock? — I merely mentioned, by way of getting information, that they might inform him who the parties were. When I had orders, several times I have applied to Mr. Parkes; and he gave me information.

Do you adopt that course with respect to other notices in other election petitions? — If it is necessary.

Always going to Mr. Parkes or Mr. Coppock for information? — No.

Occasionally doing it? — Occasionally.

SIR THOMAS FREMANTLE. — You stated that, in previous Sessions of Parliament, you have been employed to serve notices with respect to election petitions? — Yes, I have.

Have you, on those occasions, served those notices yourself, or have you employed this messenger Poingdestre? — I have always served them myself.

Why, in this Session, have you omitted to serve them yourself, and employed others? — I am not appointed to leave orders; my duty is in another part of the House.

In previous Sessions of Parliament you have served election notices yourself? — Not always; four messengers attended and served the orders of the House.

If you were directed to serve them, did you serve them yourself? — I always then served them myself; I never employed any other person.

Why did you, on this occasion, employ Poingdestre, when Mr. Rose placed them in your hands? — Poingdestre was appointed to serve the orders of the House; he is particularly appointed to that duty; he does not do anything else.

Can you state why you received the notices from Mr. Rose, and transferred them to somebody else, instead of serving them? — It was the duty of Poingdestre to leave the orders and notices; it was not my duty.

It was your duty in former Sessions to do so occasionally? — Yes.

But it was not your duty in this Session? — No.

The witness was directed to withdraw.

Mr. James Poingdestre was called in, and examined.

SIR G. CLERK. — What is your name? — Poingdestre.

Did you receive certain notices from the messenger, Stein, to deliver to the parties in the Ludlow election petition? — I did.

What directions did you receive from Stein, as to the delivery of those notices? — To inquire of certain agents if it was possible to give me any information with regard to the agents who were concerned in the Ludlow and Ipswich, or any other petitions.

Did he give you the name of the agent of the parties in the Ludlow case? — He did not.

To what agents did he direct you to apply for information? — To Mr. Parkes, or Mr. Coppock.

What did you do in consequence of his direction? — I met Mr. Coppock in the lobby of the House, and I asked him if he could give me any information,—knowing that he had been concerned in these matters before; and he said, if I gave the notices to him, it would be all right, as he was concerned in it; I then delivered them to him.

You had notices addressed to several parties given you by Stein? — Yes.

Did you deliver all the notices in your possession to Coppock?—All, except one.

What was that? — That was addressed to Sir Thomas Cochrane, the sitting Member.

All the other notices you delivered to Mr. Coppock? — Yes, at his desire; he said it would be all right.

Were those the notices with respect to the Ludlow and the Ipswich cases? — They were; there were three of them.

Can you state to whom they were addressed? — To the petitioners and the sitting Member.

In both cases? — In both cases.

How long have you been a messenger of this House? — Three years.

Can you inform the House upon what day it was that you delivered all those notices to Mr. Coppock? — On the 18th instant.

Did you tell Mr. Coppock what notices they were? — I asked him if he could give me any information with regard to the agents who were concerned on the election for Ludlow upon the trial.

On both sides? — On both sides. He then asked me to show them to him, which I did; and he requested me to deliver them to him, as he was concerned in them; which I accordingly did, not having any other direction or instruction what I was to do, except to deliver them to the agents who were concerned.

Did you understand from Mr. Coppock that he was the agent for both the petitioner and the sitting Member in either of those cases? — I understood him as saying so.

That he was agent on both sides? — That he was concerned in the matter.

Did he state that he was concerned for both sides? — He did not.

Did you consider that it was consistent with your duty to deliver the notices, that were intended for the opposite parties, to the agent of one of them? — He requested me to deliver them to him, stating that the trial would not come on, and that it would be all right if I delivered them to him; he stated that the trial would not come on.

What did you understand by that? — That the petition trial would not come on.

Did he give you any reason? — He did not.

Have you ever been in the habit of delivering notices previously to this Session? — Not of that kind.

Had you been in the habit of delivering notices to Mr. Coppock previously? — Never.

Why did you deliver those notices to Mr. Coppock, instead of to the parties to whom they were severally addressed? — It is generally done, that the agents are to be served with them; it is only addressed to the petitioner and sitting Member; we are not to know but by inquiring the different agents.

Are not the agents in each case to be known in the Recognisance Office? — I was not aware that I could be informed of that, there.

Did Mr. Rose give you any directions? — He could not inform me who were the agents.

Did he give you any information as to the manner in which you were to proceed to discover who were the agents? — He did not.

Did you apply to Mr. Rose again to know how you were to discover those several agents, when you were at a loss to find them? — No, I did not.

Did you ever inform Mr. Rose that you had delivered all the notices intrusted to your care to Mr. Coppock, in the lobby of this House? — I told Mr. Rose, at the beginning of the week, that I had delivered three of them to Mr. Coppock.

At the beginning of what week? — This week.

How many days was that after you had given them to Mr. Coppock? — I do not recollect the day; I delivered them on the 18th.

Therefore you could not have informed Mr. Rose earlier than Monday, the 25th, or Tuesday, the 26th? — It is not in general done, that we should inform the clerks with regard to the orders being delivered.

Did you consider that you had discharged the duty intrusted to you, and fulfilled the directions given you, by giving notices to Mr. Coppock, addressed to the various parties in the different election petitions? — I did.

SIR R. PEEL. — Is there no acknowledgment of the receipt of the notice required? — None.

Mr. GOULBURN. — Have you given the notices in the Cambridge and Totness elections also? — I have.

To whom did you give those? — I served two upon Mr. Parkes, and one upon Mr. Baldwin himself, at his house, and one upon the sitting Member, Mr. Sutton.

You did not deliver the whole of those notices to the agent of one of the parties? — No, I did not.

Did you ask Mr. Parkes how you were to deliver them? — I did not.

SIR G. CLERK. — What was the reason for your adopting a different course in the case of the Cambridge and Totness, from that which you adopted in the case of the Ludlow and Ipswich? — I asked Mr. Parkes if I should deliver one of them to Mr. Baldwin, and he said, "Yes; you had better deliver it to him."

Did Mr. Coppock read those notices when you placed them in his hands? — He did.

He looked at them all? — Three of them.

Was it after he had so read them that he desired you to deliver them to him? — Yes; he looked at them, and said it was all right, he would take care of them.

You state that you delivered three notices to Mr. Coppock; did you deliver them separately or together? — Separately; I delivered one at first, and he asked me if I had any more, and I said "Yes:" he requested me to get them.

You delivered them separately? — Yes.

Did he read each of them as you delivered them to him? — No; he had all three of them together in his hand; he looked at them, and kept them.

How many of those notices referred to the Ipswich petition? — Two.

How many to the other? — One to the other.

Did he state to you which of those petitions would be abandoned? — I believe he said neither would come on.

Did you believe Mr. Coppock, when he told you all should be right? — I did so, and we had no further orders.

The witness was directed to withdraw.

SIR G. CLERK. — After the extraordinary evidence we have just heard, showing the very loose manner in which notices in election petitions are served by the messengers of this House, I think it impossible that the House can permit the matter to rest here. I think the House will feel the absolute necessity of calling Mr. Coppock to the bar, in order that he may explain his reason for retaining the notices of the opposing parties in the case of the Ludlow election petition. I will, therefore, now move that Mr. Coppock be ordered to attend at the bar of this House on Monday next.

Mr. GOULBURN.—Before you put the question, Sir, I would suggest that, as Mr. Coppock appears to be *amicus curiæ*,——

[Laughter, and cries of "Hear!"]

— it is very possible he is at this moment in the lobby; and, if so, it would, perhaps, be as well to call him now.

The Sergeant-at-Arms here announced that Mr. Coppock was in attendance.

Mr. Coppock was then called in, and examined as follows: —

SIR G. CLERK. — What is your name? — James Coppock.

Are you agent for either of the parties in the Ludlow election? — I am agent for the petitioners defending the return in the Ludlow election.

Did Mr. Poingdestre, the messenger of this House, deliver to you any notices upon the subject of the Ludlow election petition? — He delivered two to me.

What notices were they? — One for the sitting Member, and one for the petitioners.

Are you agent for the petitioners? — I am.

For the petitioners against the return? There are two sets of petitioners; and of course each set of petitioners is entitled to a distinct notice.

For what parties are you agent? — For the parties defending the return.

To what parties were the notices addressed which you received from Poingdestre, the messenger? — They were addressed to the parties petitioning against the return.

For whom you are not agent? — For whom I am not agent.

On what day did you receive those notices from the messenger? — One notice only, not those notices, is addressed to the petitioners; the other is addressed to the sitting Member.

Did you receive more than one notice from Poingdestre, the messenger belonging to this House, at the same time? — I received three at the same time; one relating to the Ipswich, and two to the Ludlow.

Of the two relating to Ludlow, one was addressed to Mr. Alcock, who declined to defend his seat, and the other to the petitioners who opposed Mr. Alcock's return? — Yes.

Had you any conversation with Poingdestre respecting the delivery to you of the notices? — I was coming up the lobby of the House, and Poingdestre stopped me, and asked me if I was agent in any of the election petitions. I said I was concerned in the Ludlow and the Ipswich. He said, "I have some notices to deliver." I said, "You can give them to me now, and that will save you the trouble of calling at my office." He went up stairs and brought down four notices, and I took the three that related to myself, and gave him back the fourth.

What notice did you return him? — A notice in the Totness or the Cambridge, I am not quite certain which, in which I am not concerned.

You, of course, looked at those notices to see to what parties they referred? — I looked at the notices in the hurry, as they were put into my hands in the lobby, in the passing of many people, and seeing one addressed to the petitioners in the case of the Ludlow, to which I knew I was entitled, and another to the sitting Member, to which I was also entitled, and another to Mr. Gibson, in the case of the Ipswich, I took the three. I did not examine them.

Will you state how you came to take from the messenger the notices that were addressed to Thomas and Marsden, who were petitioners complaining of an undue election for the borough of Ludlow? — The names were written in a very small hand, and the word "petitioners" was written large; and seeing the word "petitioners," and knowing that I was agent for one set of petitioners, I took the notice, without discovering the error.

When did you discover the error? — On Monday last.

How did you discover it? — I immediately, on receiving those notices, wrote to Mr. Alcock and the petitioners, telling them of the day appointed, and stating the time at which I must have the lists and papers for the defence. Mr. Alcock I saw on Monday last, and gave him his notice, and then for the first time I saw that this was addressed to Marsden and Thomas, I not having seen the notices from the moment I got home till Monday last.

What did you do upon discovering the mistake? — I took it for granted that the notice I ought to have had was delivered to the other party; I thought it was a confusion; I had no occasion to take notice of it, and should have gone on the day appointed to the Committee, supposing that the opposite party had had the notice I should have had.

Had you no further conversation with the messenger, Poingdestre? — No, I had not; I am not aware of any.

Were there any observations made by you to him with respect to the probability that those petitions would not come on? — I told him that the Ipswich would not come on; and I told him where Sir Thomas Cochrane lived, I having previously seen Sir Thomas Cochrane at his house.

Had you any conversation with the messenger with respect to the petitions not going on? — Not that I am aware of.

Are you certain that no observation was made as to the Ludlow election not proceeding? — Certainly not; because it was my full intention to defend it.

Was it possible that any remark was made by you that the Ludlow election petition would not come on for trial; and therefore it was of no consequence to whom those notices were delivered? — I never made such a remark, and never had such an intention.

Did you make any general observation, that those petitions were not likely to come on to be tried at the time named in the notices? — I did not, except I said of the Ipswich that it would not go on; further than that, I made no observation; the Ipswich I knew was abandoned at that moment, and so did Sir Thomas Cochrane.

How were those notices delivered to you; were they delivered altogether, or separately? — Poingdestre brought them down in his hand; I looked them over, and took the three which related to myself, and handed the other back to him, as well as I can recollect what passed.

You ascertained that three belonged to you, and one did not belong to you? — I thought three belonged to me; it appears that one did not belong to me; one ought to have belonged to me.

Are you perfectly certain that no observation escaped you at the time, that the messenger might safely deliver all those notices to you, because it was not likely that those elections would come on for trial? — I made no such observation; I told him the Ipswich was abandoned; but I could not have made the observation of the Ludlow, knowing the contrary to be the fact.

What did you do with the notices after you discovered that they were not the notices intended for you? — I discovered, on Monday, that one notice was intended for the other set of petitioners; I took no notice of it, supposing that the agent on the other side had got the notice intended for me. I thought the service perfectly good; that it was a mere change of papers, and I should never have noticed it or mentioned it in any way.

Did you apply to the other agent? — I did not.

Did the messenger inform you that those were all the notices which had been delivered to him upon the Ludlow case? — He did not; I did not ask the question.

Have you those notices still in your possession? — I have them at home; I gave Mr. Alcock's myself, on Monday last, but I have the other.

Did the messenger ask you if you could inform him who were the agents in the Ludlow petition? — He asked me if I was concerned in the Ludlow petition, and I told him I was.

Did he ask you who were the several agents? — No; he stopped me in the lobby, and said, "You are concerned in election petitions, have you anything to do with any this Session?" and I said, "Yes, the Ludlow and the Ipswich." He said, "I have some notices to deliver;" I said, "I will take them, then, of you; it will save you the trouble of coming to my office;" the usual mode being to deliver them at my office on some day previous.

How do you account for receiving them from the messenger without examining them, to see whether they were addressed to you, or to those who were opposed to you? — I have explained that the word "petitioners," at the bottom of the notice, was written in a distinct hand: knowing I was entitled to one for the petitioners, I did not read the notice; I merely saw "petitioners," and I took the notice.

MR. SERJEANT JACKSON. — When you first met the messenger in the lobby, he had not the notices in his hand? — He had not.

He held a conversation with you, and subsequently went for the notices? — He asked me if I was concerned for any election petitions; I told him I was; he then went up stairs to the gallery and brought them down.

Did he ask you if you were concerned for all the parties? — No; he asked if I was concerned.

Are you quite sure that he did not tell you that he had notices to serve on the different parties, and ask you to inform him who were the different parties? — He did not show me any other notices than four; and I told him where Sir Thomas Cochrane lived; and beyond that he did not make any inquiry.

Did he not tell you he had notices to serve on the different parties as agents? — No.

You are sure of that? — As sure as I can be of a casual conversation in the lobby of the House of Commons.

Do you consider it your duty, as an election agent, to examine notices served upon you? — It is a thing very seldom done; we learn the day of meeting from other sources. We take the notices as a matter of form, very seldom reading them; I do not know that I ever scarcely read them.

Do you not consider it a duty to see that they were right? — I presumed that they were right.

You are not in the habit of reading them? — If I think it important, I read them.

Do you not think the notice of an Election Committee important? — Not the fixing the day.

Where were you when the messenger was under examination? — I was in the gallery.

You heard the examination? — I have heard all the examinations that have taken place this evening.

SIR THOMAS FREMANTLE. — You have stated that you received this notice, conceiving that it was applicable to the petitioners who defend the return? — I have.

Did you, in consequence of receiving it, and being under that impression, make any communication to the parties that you had been served with such notice? — I wrote both to the petitioners and the sitting Member, the following morning.

Did you take any steps towards preparing yourself for trying the petition on the 12th of March, the day fixed? — My lists are quite ready, and have been some days, in consequence of that notice which I received.

Did you observe that one of the notices was directed to Mr. Alcock? — It was.

Mr. GISBORNE.— Were you aware, at the time, that you ought to be served with another notice, beside that to Mr. Alcock? — Certainly.

You read the name of Mr. Alcock at the bottom of the notice? — I did.

And you read the name of the other party upon the notice that you returned, at the bottom of the notice? — I did.

And you did not read the name at the bottom of the notice which ought not to have come into your hands? — The first notice put into my hands being for Mr. Alcock, I looked over it, and the second notice for the petitioners I took, and I saw one directed to Mr. Gibson, which I took; I returned the one directed to Sir Thomas Cochrane.

Mr. GOULBURN. — You said there had been one with respect to the Cambridge or Totness? — I did not.

You have stated that you met the messenger in the lobby? — I did.

Did the messenger immediately apply to you to know whether you were the agent for the party defending the petition? — He asked me if I was concerned in any of the election petitions; I told him the two in which I was concerned, and he fetched the notices.

You did not ask for them? — I had not the slightest notice that they were signed, or ready for delivery.

Were they given separately? — He brought them together in his hand; whether he gave them separately or altogether, I cannot say.

Mr. THORNELY. — Do the House understand that you received a notice that ought not to have been delivered to you, but that a notice ought to have been delivered that you did not receive? — A notice precisely similar in words ought to have been delivered to me, addressed to my petitioners, instead of these petitioners. I did not inquire whether the clerk had drawn out two notices addressed to the same petitioners, or whether he had delivered the wrong one to me. I took it as a good notice.

SIR G. CLERK. — Then, in point of fact, you have not received the notice which ought to have been delivered to you? — I have received no proper notice for the petitioners defending the return, which I ought to have received.

And that notice never has been delivered to you? — That notice never has been delivered to me; that petition not having been referred by the House to the Committee. Immediately on discovering the error, I consulted my counsel as to the course I should adopt, wishing to waive every objection; and the reply was, that I could not waive it: I had no option to do so; that the petition not having been referred to the Committee, my clients had no *locus standi*.

That discovery did not take place till Monday? — Till Wednesday; because, on Tuesday, when the Clerk of the House waited upon me to ask me if I had had a wrong notice, I showed it to him, and told him I was willing to meet any arrangement that could be made.

The witness was directed to deliver to Mr. Rose the notice addressed to the petitioners against the return, which he had received; and then withdrew.

SIR GEORGE CLERK. — I wish to call the attention of the House to the convenience,—as Monday next is the last day on which the petitioners in the Ludlow case can give in their lists of objections, — of making some arrangement under which the parties may not be prevented from having the opportunity of giving in those lists.

The SOLICITOR GENERAL. — I think it is a grave matter for consideration, whether we can in any degree depart from the letter of the Act of Parliament upon this subject. The Act is very precise upon this point; and I really do not think that the suggestion of the Honourable Baronet should be hastily adopted.

Mr. GOULBURN. — If the discussion of the Ludlow petition, which is to come on on Monday, were fixed for four o'clock, I think we might, by five o'clock, be enabled to come to a decision upon the subject, — thereby giving the parties ample time to put in their lists.

LORD JOHN RUSSELL. — Perhaps the Speaker will have the goodness to take the chair at three o'clock on Monday; in which case the matter will present no difficulty.

SIR THOMAS FREMANTLE. — I think the best way will be, for all the parties to write a letter, stating that they will let the day stand as at present fixed, and that they will take no advantage on account of the want of notice. My object is, to save the parties from any inconvenience.

The SPEAKER. — Acting on the suggestion of the Noble Lord, I will take the chair at the hour he has proposed.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD JOHN RUSSELL. — I beg to move the Order of the Day for going into Committee on the Municipal Corporations (Ireland) Bill.

Agreed to.

The House went into Committee; Mr. BERNAL in the chair.

Mr. SERJEANT JACKSON. — I rise, Sir, to ask a question upon a point of order. I have a clause to introduce into this Bill, and I wish to know whether the present is the proper time to propose it?

The CHAIRMAN. — That entirely depends upon the pleasure of the Committee. I should say, however, that the better time would be on the bringing up of the Report.

Mr. LYNCH. — I hope that the Noble Lord below me has reconsidered the question of boundary, in the case of the town of Galway.

LORD VISCOUNT MORPETH. — I should have been glad to have made an exception in favour of the town of Galway; but that, a general rule having been laid down for ascertaining boundaries, I fear that any departure from the principle would lead to inconvenient results.

The CHAIRMAN. — I would here suggest, that as there are, I understand, objections to be raised against some of the towns, now in Schedule A, remaining in that schedule, it would, perhaps, be better to put the question on each of the towns separately.

Question put, " That Belfast stand in Schedule A."

Mr. DUNBAR. — I rise, Sir, to oppose the motion. It is not my intention to occupy much of the time of the House; as I well know that anything I may say can add no strength to the statements made on a former occasion by my Honourable Colleague and Friend the Member for Bandon, when petitions were presented from Belfast aginst a municipal corporation being forced upon that town. At the same time, I feel it to be a duty I owe to my constituents not to remain silent on the present occasion, but to endeavour, if possible, to have the town of Belfast transferred from Schedule A to Schedule B. I would call the recollection of the House to the fact, that two petitions have been presented from Belfast,—one against, and the other in favour of, a corporation; and although I am bound to admit that they were both most numerously and respectably signed, yet I do not hesitate to say that the one " against having a corporation " represented much more of the wealth, respectability, and intelligence of the town, than the other. I have no objection, however, to suppose that in these respects they were quite equal. It may be said that I am not supported in the motion I am about to make by any petitions at present in its favour. That may be true; but does not the total silence we find on the subject show an indifference on the part of the people in Belfast with respect to corporations? I have inquired from persons on whom I can rely, whether it were likely, if a petition signed by persons of all political opinions could be obtained, praying that the town of Belfast might be transferred from Schedule A to Schedule B, it would be listened to; but I am told it would not be, and for this reason, — that the question of municipal reform having been completely considered as a great party and political question, petitions respecting it are got up without serious consideration as to what the effect of them may be; and persons, having committed themselves to support the proposition for a corporation for this town, would not like to sign any petition of a contrary nature; and that, if any such attempt were made in Belfast, it would have the effect of again creating agitation and disturbance. But of this I am assured, that if Belfast were placed in Schedule B, and the power given to the people in Belfast to have a corporation, or not, as they pleased, they would, on cool reflection, reject the proposition by a large majority, and that majority composed of persons of all shades of political opinions; and most sincerely do I agree in this opinion. I can assure the Noble Lord (Lord Morpeth) that I have no private or selfish object in view, in making this motion; but that what I have stated is my conscientious conviction; and I do not believe that either of the two great parties in Belfast will be materially strengthened or weakened, whether a corporation be forced upon them, or not. But I do apprehend that the agitation and interruption to business, by the frequent elections that must necessarily take place, under this Bill, will seriously interfere with the happiness and prosperity of that great commercial town. With these views, then, I will not trespass longer upon the House, but beg leave to move that Belfast be transferred from Schedule A to Schedule B.

LORD VISCOUNT MORPETH. — I rise at once, Sir, to say that, as I do not believe there is a town in Ireland of greater importance than Belfast, I do not consider that this schedule ought to be reduced, so far as that town is concerned. With respect to what the Honourable Gentleman tells me as to leaving it open to this town to have a corporation or not, I can only say, that, as we have one common object in view, I do not think it desirable, by thus leaving the question open, to set one political party in the town against the other; and thereby create unnecessary excitement and bad feeling. I cannot, therefore, consent to the proposition of the Honourable Gentleman.

Mr. LITTON. — I shall support the motion of my Honourable Friend the Member for Belfast; and if the object of the Noble Lord be to prevent disturbance and political excitement, I think that, in the case of Belfast, at least, he might consent to the reduction of this schedule; because the fact is, that no bad feeling does, in reality, now exist between the two great parties in that town. It has been clearly demonstrated, on a former occasion, by the colleague of my Honourable Friend, that everything a municipal corporation could do for that town is effected already through the means of various public bodies; and my Honourable Friend has satisfied me that the functions which would devolve upon a corporation are now administered with little cost to the inhabitants, and without any of that political heat which the annually recurring elections under this Bill would be sure to engender. Heartburnings and strife would be the consequence of these elections; and the result must be ruinous to the peace of the town. I would ask the Noble Lord, then, what ground exists for forcing corporations upon towns that want them not? Upon what principle is it that the Noble Lord persists in dealing with all these eleven towns in the same way? Belfast and Galway, for instance, differ most widely from Derry and Dublin; in fact, they differ as much in their views, wants, and wishes, as they do in the situation they occupy on the map; and yet the Noble Lord persists in dealing with them all in the same manner. Wishing, Sir, to see each of these towns dealt with, with reference to its particular circumstances, I shall give my cordial support to the motion of my Honourable Friend.

Mr. SERJEANT JACKSON. — I cannot see that there is anything in Belfast for a corporation to do; and as that town objects to receive a corporation, I do not perceive any just reason why the Noble Lord should persist in inflicting one upon it. I think a fair line of demarcation might be drawn between those towns which have petitioned against having corporations, and those which have not. In the schedule now under discussion, four towns have petitioned against having corporations, and seven in favour of them; and, under these circumstances, I contend that Belfast ought to be transferred to Schedule B.

The CHAIRMAN. — The question I have now to put, is, "That Belfast stand part of Schedule A."

The Committee divided: — Ayes 67, Noes 26; majority 41.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Serjeant
Dalmeny, Lord
Duke, Sir J.
Finch, F.
Fitzpatrick, J. W.
Greg, R. H.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
Lynch, A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Conor Don
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Rice, E. R.
Roche, W.
Russell, Lord J.
Smith, B.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Warburton, H.
Wilde, Mr. Serjeant
Wood, C.
Wood, G. W.
Wood, B.
Wyse, T.
Yates, J. A.

Tellers.

O'Ferrall, R. M.
Parker, J. (Sheff.)

NOES.

A'Court, Captain
Arbuthnott, Hon. H.
Blair, J.
Cochrane, Sir T. J.
Cooper, E. J.
Corry, Hon. H.
Darby, G.
Du Pre, G.
Farnham, E. B.
Halford, H.
Hodgson, R.
Jackson, Mr. Serjeant
Kemble, H.
Lucas, E.
Mackenzie, T.
Marsland, T.
Maunsell, T. P.
Maxwell, Hon. S. R.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Smyth, Sir G. H.
Thornhill, G.
Trench, Sir F.
Verner, Colonel
Young, J. (Cavan)

Tellers.

Dunbar, G.
Litton, E.

The question "That Clonmel stand part of Schedule A," was then put.

Mr. SERJEANT JACKSON. — I rise to move, Sir, that the town of Clonmel be struck out of Schedule A, and transferred to Schedule B, pursuant to the prayer of the petition presented by me some days since. When this matter was last under discussion, I stated that the petition presented by me was signed by three fourths of the ratepayers of the town. I was contradicted by my Honourable and Learned Friend opposite (Mr. Pigot), who maintained that it was not signed by one sixth of the ratepayers; and my Honourable and Learned Friend, on the same occasion, proceeded to disparage the character of the petitioners generally, because it was signed by a tailor, a tinker, a deputy turnkey of the gaol, and others. Now, I think it is no reason for despising the prayer of a petition, to say that it is signed by the humbler classes of society, as well as the richer. I trust the Committee will bear with me for a few moments, while I vindicate, not only my own veracity, but that of my respectable correspondent, on whose authority I made the statement to the House, with respect to this petition. When my Honourable and Learned Friend asserted that the petition was not signed by one sixth of the ratepayers, I asked what rate he referred to; and my Honourable Friend replied, "the watch tax." Now, I must be permitted to say, that Mr. Peddar, who sent me the petition to present, referred me, for a verification of the facts contained in his statement, to the Honourable Member for the county of Waterford (Mr. V. Stuart), and to the Member for Dungarvan (Mr. O'Callaghan); both of whom have, in the most unequivocal manner, borne testimony in favour of the truth of his allegations. I have Mr. Peddar's letter with me at this moment; and it sets forth that the petition was signed by 65 persons, whose property in the town of Clonmel was rated at 9050*l.*, and others rated at from 10*l.* to 40*l.*; making, in all, 10,000*l.*; which is more than than three fourths of all the rated property of the town; and yet my Honourable and Learned Friend, on the authority, perhaps, of the priest who signed the counter petition, takes upon himself to say that these petitioners do not possess one sixth of the rated property of the town. The letter which I hold in my hand goes on to state that some of the petitioners are rated at 400*l.*, 380*l.*, 200*l.*, 140*l.*, 105*l.*, and several other large sums. I think, then, that I have now vindicated myself from having acted on loose information as to this petition. I trust that neither in this House, nor out of it, I have ever uttered anything which I did not believe to be true; and, in vindicating my own character from the doubts which were on a former evening cast upon my statements, I trust I have also vindicated the character of the respectable gentleman who sent me this communication. I shall now move, that the town of Clonmel be transferred from Schedule A to Schedule B. The respectable portion of the people of that town know, by sad experience, what they have to expect from popular elections. By the 9th of Geo. IV., commissioners were appointed for carrying the provisions of that Act into execution; and in no one instance has a Protestant gentleman been elected under it. Then again, with respect to the poor law guardians, only two Protestants have been elected; and these, I have every reason to believe, will be squeezed out at the next election. On the whole, then, — seeing what the inevitable consequence must be, and taking into account the petition which I have presented from the inhabitants of Clonmel, — I entreat the House not to inflict the calamity upon them, of having their town inserted in Schedule A.

Mr. PIGOT. — I think my Honourable and Learned Friend would have exercised a more wise discretion if he had not again reverted to the subject of this petition; but, as he has done so, I am bound to repeat that that petition is not signed by three fourths of the ratepayers of the town. On the contrary, I am in a situation to prove that it is not signed by one sixth of the ratepayers, as I originally stated the fact to be. My statements have been authenticated, not by the priest, to whom my Honourable and Learned Friend refers; but by a most respectable person, who could not possibly be mistaken on the subject. In addition to this, I have referred to the Appendix of the Report on Fictitious Voters in Ireland, for a corroboration of the statement I have made; and the result is, that, of the 171 persons, who, alone, out of a population of between 18,000 and 19,000, have signed the petition, 75 are not rated at all to the tax to which I referred.

Mr. SERJEANT JACKSON.—What tax?

Mr. PIGOT.—The watch tax—the rating under the 9th Geo. IV.—is the one I speak of. The amount levied altogether under that Act is only 800*l.* Ninety-six of those who signed the petition presented by my Honourable and Learned Friend are rated, under that Act (which includes all 5*l.* householders), at 136*l.* 13*s.* 8*d.*; of whom, forty-six are rated below the sum of 1*l.*, and seventy-five are not rated at all.

[Cries of "Hear, hear!"]

It is evident, then, from the statement I have just made, first, that that petition does not contain the names of one sixth of the rated inhabitants of Clonmel; and, secondly, that it does not, therefore, contain such a proportion of the names of the rated constituency as to entitle it to consideration, with reference to this Bill. I cannot sit down without expressing my regret that my Honourable and Learned Friend should have commented on the petition which I presented from Clonmel, in favour of a corporation being granted to that town, in such terms as he indulged in on a former occasion. That petition was signed by 1449 persons,—nearly one tenth of the population of the town;—and, under these circumstances, I cannot consent that Clonmel should be removed from the schedule in which it now stands.

Mr. SERJEANT JACKSON.—I must deny having commented on the petition at all. It was a Right Honourable Friend of mine who did so; and now that I have looked at the petition, I think the wording of it fully justifies my Right Honourable Friend in the observations which he made; inasmuch as it describes the existing corporations as "corrupt and bigoted nuisances."

Mr. O'CONNELL.—Hear, hear!

Mr. SERJEANT JACKSON.—My Honourable and Learned Friend has made a very flourishing statement; but he has withheld the name of his informant; whereas I have stated the name of the most respectable gentleman who supplied me with the information I have given the House, as to my petition. I shall now proceed, with the permission of the Committee, to read a few of the names of those who signed that petition. There is, first, the mayor, a most respectable gentleman,—John Bagwell, Esquire, the proprietor of the greatest part of the town——

Mr. O'CONNELL.—Ay, and the purchaser of the corporation.

Mr. SERJEANT JACKSON.—There are also the names of D. Gordon, Esquire; J. R. Smith, Esquire, J. P.; J. Moreton, Esquire, who is rated at 360*l.* (though the Honourable and Learned Gentleman opposite says ninety-six of the petitioners are only rated at 136*l.* 19*s.* 8*d.*); Charles Riall, Esquire, rated at 400*l.*; Doctor Bell, rated at 140*l.*; Walter Gyles, and others, rated at various other considerable sums. But I will not fatigue the House by reading the entire list. I have done enough, I think, to show that my Honourable and Learned Friend's anonymous correspondent has grossly deceived him; and I repeat that persons who are rated at nearly 10,000*l.* have affixed their signatures to this petition.

Mr. PIGOT.—The persons to whom I have referred as having, as rated inhabitants of Clonmel, signed the petition, are persons who, under the 9th Geo. IV., are only rated at 136*l.* 13*s.* 8*d.* With respect to what my Honourable and Learned Friend has said, of my speaking on the deceptive authority of an anonymous correspondent, I beg to tell him that my informant is Mr. O'Leary, a most respectable man, and one of the commissioners under the Act of 9th Geo. IV.

COLONEL PERCEVAL.—I merely rise to say that, having been quartered in Clonmel some time ago, I very well remember many of those gentlemen whose names are affixed to the petition of my Honourable and Learned Friend (Mr. Jackson), and can bear my testimony to their great respectability.

Mr. SERJEANT JACKSON.—I hope the House will not be led away in its view of this proposition by the mere authority of this Mr. O'Leary.

The CHAIRMAN.—Do you divide?

Mr. SERJEANT JACKSON.—I think

it unnecessary to put the House to the trouble of a division; as I consider that the sense of the House was sufficiently ascertained, as respects the principle, by the last division.

Clonmel was then admitted to stand part of Schedule A.

On the question, "That Galway be added to Schedule A," —

Mr. BLAKE said: — I shall feel it necessary to oppose the admission of Galway to Schedule A; and I can assure the House that the people of Galway universally agree in repudiating the proposition that the town should be admitted into that schedule. They would much prefer remaining under the existing municipal regulations by which the town is lighted, watched, and cleansed; and I therefore hope that, in accordance with the wishes of the people who are most interested, the Noble Lord below me will not persist in pressing the proposition. When the Bill of last year was before the House of Lords, Galway was omitted from the schedule by their Lordships; and I trust that it will not, now, be added to it. It is impossible that, in such a large population as that of Galway, there should not be found some interested parties, who might be prevailed on to express an opinion in favour of the proposition; but the general wish of the cess-payers of the town, almost without an exception, is, that the town should be omitted from Schedule A. The duty of opposing the admission of Galway to Schedule A is one which has been imposed on me by the earnest desire of my constituents; and I am quite sure that, if I fail in inducing the Noble Lord to omit it, I shall fail only from a want of ability to put forward, in a sufficiently strong light, the just claims which the inhabitants of that town have for making such a demand. I shall therefore move, Sir, that Galway be omitted from Schedule A.

Mr. SERJEANT JACKSON.—I have been requested by a gentleman, who is an extensive proprietor, and who belongs to an important mercantile firm in Galway, to support the motion of the Honourable Gentleman opposite; and I have much pleasure in seconding it. Last year, a petition was presented to the other House of Parliament, signed by all the wealth and respectability of Galway, requesting that that town might, instead of being placed in Schedule A, be placed in Schedule B; and the result of that petition, and of the representations which were made on that occasion, was, that Galway was omitted by their Lordships from Schedule A. The gentleman who has requested me to support the present motion for its omission from Schedule A, states that a petition, praying for such omission, has been signed by nine tenths of the ratepayers of the town; and unless there be some other Mr. O'Leary to oppose that petition, I cannot see why its prayer should not be attended to. The gentleman to whom I allude pays 94*l.* a-year cess; and he would much rather that the town of Galway were allowed to remain under its existing municipal regulations, than that it should be admitted into Schedule A. There is no analogy between the corporations in Ireland and England; and the institution of similar arrangements in both countries should not be carried so far as to induce us to refuse to listen to the request of the inhabitants of the towns which are to be affected by this schedule. I cannot agree to the proposal to force this boon on the people of Galway, whether they will have it or not; and I must therefore oppose the proposition that the town stand part of Schedule A.

Mr. A. H. LYNCH. — I believe the general wish of my constituents is, that Galway should be placed in Schedule B; and I therefore feel it my duty to accord with that opinion, and support the motion in favour of its omission from Schedule A. The people would prefer the present municipal government of the town, which answers all the purposes of a corporation, to having it placed in Schedule A.

Mr. O'CONNELL. — Sir, it has been charged that it is a Popish conspiracy — to give the municipal power in the towns to the hands of the Roman Catholics—which brings forward this Bill. Now, the town of Galway contains more Roman Catholics, in proportion to Protestants, than any other town in Ireland. The proportion is, I believe, as 40 to 1; so that, if the people of Galway disclaim the proposition in the Bill, it can scarcely be called a Popish conspiracy. There is a quarrel in Galway, which I am quite unable to understand. I believe that some fear prevails there, that, if Galway were admitted to stand part of Schedule A, that would confer an advantage on some party or other; but I must say, that in no town is there a more complete or unintelligible split than in Galway; and it is evident they would sooner have no corporation, than that any party should take a triumph by this Bill. For my part, I think they ought to settle their quarrel, and that Galway ought to be added to Schedule A.

Mr. BLAKE.—There is no place where greater unanimity prevails on the subject than in Galway; and the people are almost universally opposed to the Bill. The proposition will be considered by the people of that town to be more a blight than a boon.

COLONEL PERCEVAL.—It is quite clear that the people of Galway are opposed to this proposition; and it is a most extraordinary thing to force a boon upon them against their own inclination. I think that it ought to be placed in Schedule B.

LORD VISCOUNT MORPETH.—I very much regret that I cannot accede to the request which has been made; but as I was insensible to the advances which were addressed to me from the other side, with respect to Belfast, I am afraid that I must be equally coy to the advances at this side of the House. I have witnessed, with much interest, the great progress which has been made in prosperity by the town of Galway, since the changes were made in the former corporation; and I cannot forget that so great were the objections to that corporation as to call for the direct interference of the Legislature. But the corporation which it is proposed, now, to give that town, will be subject to public control; and will not, I hope, be found liable to those abuses which were found to exist under the former corporation.

Mr. DUNBAR.—As the Noble Lord has referred to his refusal of our advances in the case of Belfast, I must assure him, that, although Belfast has been added to the schedule, I shall not be the less willing to support the claims of other towns to be omitted from it, where I think those claims may be equally well founded. It is quite evident that all the wealth and respectability and the cess-payers of Galway wish to have it added to Schedule B; and I hope the Committee will accede to that proposal.

SIR W. SOMERVILLE.—I do not see how any Gentleman, who has considered of what utility corporations have been, when placed on a proper and good foundation, and the support which they have supplied to the liberal cause, can be opposed to the principle; and I shall support the proposition to admit Galway to stand part of Schedule A.

Mr. W. S. O'BRIEN.—I shall support the motion of the Honourable Member for Galway; and I must say, that, finding, as we do, the inhabitants of that town to be unanimous in opposing the admission of Galway to Schedule A, the Committee ought to attach much weight to that expression of their opinions.

The Committee then divided; when there appeared—For the original motion 79, for the amendment 47; Majority for the motion 32.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Hon. H.
Bewes, T.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Clay, W.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Serjeant
Dalmeny, Lord
Duke, Sir J.
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gisborne, T.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Hutton, R.
James, W.
Labouchere, Rt. Hon. H.
Lushington, C.
Macaulay, Right Hon. T. B.
Morpeth, Lord Visct.
Muntz, G. F.
Murray, A.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rice, E. R.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Smith, R. V.
Somerville, Sir W. M.
Stock, Dr.
Strickland, Sir G.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Warburton, H.
Ward, H. G.
White, A.
Wilde, Mr. Serjeant
Wood, C.
Wood, B.
Yates, J. A.

Tellers.

Gordon, R.
Wyse, T.

NOES.

A'Court, Captain
Ainsworth, P.
Arbuthnott, Hon. H.
Bagge, W.
Blair, J.
Boldero, H. G.
Burroughes, H. N.
Clerk, Sir G.
Cochrane, Sir T. J.
Cole, Lord Viscount
Cooper, E. J.
Corry, Hon H.
Darby, G.
Darlington, Earl of
Dunbar, G.
Du Pre, G.
Egerton, Sir P.
Fremantle, Sir T.
Goulburn, Rt. Hn. H.
Grimsditch, T.

Halford, H.
Harcourt, G. G.
Henniker, Lord
Herries, Rt. Hn. J. C.
Hodgson, R.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jackson, Mr. Serjeant
Kemble, H.
Litton, E.
Lucas, E.
Mackenzie, T.
Marsland, T.
Maunsell, T. P.
Maxwell, Hon. S. R.
O'Brien, W. S.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Scarlett, Hon. J. Y.
Seale, Sir J. H.
Smyth, Sir G. H.
Trench, Sir F.
Verner, Colonel
Vigors, N. A.
Young, J. (Cavan)

Tellers.

Blake, M. J.
Lynch, A. H.

Galway was then admitted to stand part of Schedule A.

On the question, "That Sligo should stand part of Schedule A," —

Mr. E. J. COOPER said: — I must oppose the admission of Sligo to Schedule A. The funds of the corporation are very small, and I venture to remark that those who signed the petition which has been presented would be the first to complain of the assessment which, under this Bill, must fall upon them, if this motion be agreed to. Persons of all political parties in the town of Sligo subscribed a petition to this House praying that the town should not be placed in Schedule A. There exists in Sligo, at present, a power, by means of commissioners, of levying an assessment for watching, paving, and lighting the town; and, under that system, no expense is incurred for salaries, with the exception of the salary of the town clerk. If the new town council should think fit to give heavy salaries, for the purpose of being able to accommodate their friends, then those who now seek to be included under this Bill will be the first to complain. Two of the principal proprietors, of whom I am one, have objected to the retention of Sligo in the schedule; but the third proprietor is the Noble Lord the Secretary of State for Foreign Affairs; and I am not aware whether that Noble Lord is desirous of retaining Sligo in Schedule A, or not.

COLONEL PERCEVAL. — I have nothing to add to what has just been stated by one of the principal proprietors of the town of Sligo. All the principal proprietors of the town are in favour of the views of my Honourable Friend, with the exception of the Noble Lord the Secretary for Foreign Affairs.

LORD VISCOUNT MORPETH. — I can assure the Honourable Gentlemen opposite, that, in the course taken with respect to Sligo, I have the strenuous support of my Noble Friend the Secretary for Foreign Affairs. I am aware that two of the proprietors of the borough are adverse to the retention of Sligo in Schedule A; but my Noble Friend is of a different opinion, and entirely concurs in the propriety of its insertion into Schedule A.

The question was then put, and Sligo was ordered to stand part of the schedule. The rest of Schedule A was agreed to.

Schedule B was agreed to.

On Schedule C being proposed, —

Mr. DUNBAR said: — I wish to call the attention of the Noble Viscount opposite to the fact, that, in Belfast, the boundary is so laid down as that one part of a street is in the borough and another part out of it.

LORD MORPETH. — The boundary has been defined, under the inspection of an officer of engineers. I have not before heard any objection made to it, nor am I prepared to consent to any alteration. But if the Honourable Gentleman has any well-founded objection to bring forward, it may be considered in a subsequent stage of the Bill.

Mr. BLAKE. — I wish to ask the Noble Lord whether he has any objection to the proposition, that, in Galway, the parliamentary boundary shall be substituted for the boundary proposed under the Bill?

LORD MORPETH. — That is a sweeping alteration; and I can by no means consent to adopt it.

Schedule C, and the remaining schedules in the Bill, were then agreed to.

The CHAIRMAN. — I wish to know whether there are any new clauses to be proposed?

Mr. SERJEANT JACKSON. — I beg to move the insertion of a clause immediately after Clause 41., to enable all persons entitled to vote as freemen or burgesses in the election of Members to serve in Parliament for any borough, to vote, likewise, in the election of the town councillors and aldermen of such boroughs, to be elected under the provisions of this Bill. The ground of my motion is this: that the freemen of these corporations have vested interests in the local government of their towns; they are efficiently represented in the town council of Dublin, as in other corporations; and I think it only right and just to continue them in the same position, and to give them a voice in the election of the aldermen and common councillors under this Bill. The effect of the Bill, as it now stands, will be, to transfer these corporations from the Protestant part of the community into the hands of the Roman Catholics. That, certainly, will be the case with all the towns in Schedule A, except Belfast and Londonderry; and Sir M. O'Loghlen, Her Majesty's late Attorney General for Ireland, stated, in this House, that if he thought that would be the effect of the Bill, he would be the first to oppose it. The Honourable and Learned Member for Dublin seems to doubt this fact; but I took the liberty, the other night, of showing the House, from the Returns laid upon the table of the House, on the authority of the Commissioners of Public Instruction, that that would be the case in most of the towns in Schedule A. I clearly demonstrated to the House, on that occasion, that in Cork, Dublin, Galway, Kilkenny, Limerick, Waterford, Clonmel, and Drogheda, the majority of 10*l.* houses are in the hands of Roman Catholics; and that in these towns this Bill will effect a transfer of the power of these corporations from the hands of Protestants to those of Roman Catholics. This, I contend, will happen in all the towns in Schedule A with the exception of Belfast and Londonderry. I know that, in some respects, those Returns are inaccurate, which were furnished by the Commissioners of Public Instruction; but they leave me a wide margin, and are not inaccurate to any extent that can affect my argument. I can prove their inaccuracy; but they are the nearest approximation to the truth which I could obtain. I propose, now, therefore, to give the freemen a voice in the election of the aldermen and town council, with a view to counterpoise the influence of Roman Catholics, which this Bill must produce; and I beg, now, to move the insertion of a clause to provide that every person entitled to vote as a freeman or burgess, under the Reform Act, for a Member of Parliament, in any borough to which a municipal corporation is granted, shall also have a right to vote for town councillors and aldermen.

LORD MORPETH. — I think that the Honourable and Learned Member can hardly be serious in pressing a proposition so entirely inconsistent with the principle and framework of this Bill. It is not necessary for me to argue the question. The Honourable and Learned Serjeant has said, that most of the present freemen are Protestants; and that may be so; but, looking at some of their late proceedings in the corporation of Dublin, — looking at the vulgar squabbles in which they have been engaged, — the charges bandied about by them, of peculation and corruption; — looking, too, at their recent conduct with regard to the Learned Recorder, — I must say, that a body of men who could treat one of their stoutest defenders as he has been treated, are not exactly the class of persons most fitted to take the management of local interests. I shall decidedly oppose the amendment, as being at variance with the spirit of the Bill.

Mr. WILLIAM ROCHE. — I beg to ask the Learned Serjeant, how can the majority of Roman Catholics be town councillors, unless where they have property to qualify them? I think that nothing could be more destructive of the principle of this Bill than an amendment like the present.

Mr. O'CONNELL. — Anything equal to the profligacy with which the corporation of Dublin have squandered 200,000*l.* really cannot be conceived. The Honourable and Learned Serjeant has admitted that he speaks from inaccurate Returns; but he reminds me of the lawyer, who replied to an objection, that certain evidence was not legal, — "True, it is not legal; but it is good enough for the jury." And so the Learned Serjeant says, — "It is not accurate, but it is good enough for the House of Commons." The Bill will be good for nothing, if you let these freemen in. During the last fifty years, Roman Catholics have been admissible to the freedom of the corporation of Dublin, but not a single one has been admitted in that period. The object of this Bill is, to throw religious distinctions aside, and to substitute, by way of qualification, the resident property of the town. The great cause of the present quarrel between the corporation of Dublin and the Recorder is, that, in presenting a petition to the Queen, he defended them from the charge of being an exclusive corporation; but they insisted that they were so. They have, no doubt, been exclusive; and this Bill is proposed to remedy that evil.

Mr. BELLEW. — If the Returns referred to by the Learned Serjeant are correct, I can only rejoice that the Liberal party are so strong; and he ought not to be quite so sure that there will not be a Liberal majority even in Belfast and in Londonderry. I regard the discussion upon this measure with great satisfaction, because I look upon it as the last time at which these questions will be discussed in this House. The opposition to this Bill seems now, indeed, to be coming to the whispering of a faction, not strong enough to be heard out of the House, and very little within it.

Mr. SERJEANT JACKSON. — With respect to the calculations I made use of, I referred to the only Returns which were at my command; and they were the Parliamentary Returns laid on the table of the House. They, at all events, give an approximation to the truth; and if they are not quite accurate, the disproportion is not so great that my argument will be affected by it. The proportion between the Roman Catholics and Protestants was as two to one, or as three to two, in all the towns in the schedule, except Londonderry and Belfast. I will just repeat those calculations, to show the House what an extent they affect, and how great the disproportion is.

In Cork, with a population of 107,000 inhabitants, the case stands thus:—Number of houses owned by Protestant voters, 1634; Roman Catholic, 2776.

In Dublin, with a population of 240,000 inhabitants, the following is the result:—Houses of Protestant voters, 4082; Roman Catholic, 9220 — or two to one.

Galway, with a population of 33,000, stands thus: — Houses of Protestant voters, 134; Roman Catholics, 327.

Kilkenny, with a population of 23,000: — Houses of Protestant voters, 187; Roman Catholic, 420.

Limerick, with a population of 66,000: — Houses of Protestant voters, 683; Roman Catholic, 1517.

Waterford, with a population of 28,000: — Houses of Protestant voters, 917; Roman Catholic, 1183.

Clonmel, with a population of 12,000: — Protestant houses, 217; Roman Catholic, 535.

Drogheda, with a population of 15,000: — Protestant Houses, 321; Roman Catholic, 599.

God forbid that I should entertain any unkind feeling towards any man on account of his religious opinions; but it should be recollected that the constitution of this country is a Protestant constitution; and the local Government of these towns ought not to be transferred wholesale from the Protestant to the Roman Catholic inhabitants. It has been said, that if the property were in the hands of the Roman Catholics, then they ought to have a voice in the local government, on account of that property. But I deny the fact; for though a majority of those who occupy *5l.* and *10l.* houses may be Catholics, still the property of the country, is, in a large proportion, in the possession of the Protestants.

SIR ROBERT INGLIS. — The Noble Lord has said something about the "vulgar squabbles" of the corporation of Dublin; but is that the only place where vulgar squabbles take place? The Honourable and Learned Member for Dublin has charged the corporation with peculation and profligacy, to the amount of 200,000*l.*; but is this House the tribunal to decide such a case? If the case were true, the courts of law would be the proper tribunals to appeal to. No ground can be more untenable for the destruction of a class of persons holding vested rights, than that particular persons may not have always spoken and acted with discretion.

LORD JOHN RUSSELL. — The Honourable Baronet seems to have taken offence at the words "vulgar squabbles," which were used by my Noble Friend; but the Honourable Baronet, I think, has heard words not much more civil used on the part of Members, at his side of the House, towards the corporation of Dublin.

Mr. M. J. O'CONNELL. — I wish to know from the Learned Serjeant, if he carries his motion, how he intends to distribute the freemen through the wards for the purpose of voting?

Mr. SERJEANT JACKSON. — If the Honourable Member will, by his vote, assist me in carrying this motion, I will then have an opportunity of seeing what other clause I may think fit to propose.

Mr. M. J. O'CONNELL. — I am perfectly satisfied that this clause has not been proposed with a view to carrying it into effect. The Learned Serjeant could not carry it into effect; but, though he has acted according to the letter of the understanding which has been entered into, he seems disposed to violate its spirit. I am, however, rejoiced to see that the Honourable and Learned Serjeant has, by his conduct, driven away the leaders of his party in this House. It would be much better to oppose the measure openly and honestly, than, professing to support the principle of it, to attempt to introduce clauses calculated to defeat its main objects. As to the corporation of Dublin, they admitted 88 freemen between the years 1832 and 1835, of whom only one was a Catholic.

Mr. W. ROCHE. — Hundreds of those who have been admitted freemen of Limerick have never seen the place, — the drummers and fifers of a particular regiment, I believe, on one occasion, were made freemen. With respect to the Learned Member for Bandon's apprehension of the preponderance of Roman Catholics over Protestants, I can only state, that, when commissioners were chosen for Limerick, under the 9th of Geo. IV., there was a fair proportion of Protestants and Roman Catholics.

COLONEL PERCEVAL. — The Honourable Member for Kerry charges my Honourable Friend with having introduced a factious amendment. I contend that this amendment furnishes no ground for charging my Honourable and Learned Friend with factious opposition to this Bill; he, last Session, gave notice of the same motion as the present; and was only prevented by an accident from bringing it forward. I regret that any allusion to another Right Honourable Friend of mine should be made in his absence; but I believe that the present unpopularity of the Learned Recorder of Dublin, which, I hope, is only temporary, has arisen from the part he took in supporting the second reading of this Bill; but that Honourable and Learned Gentleman, myself, and my Learned Friend near me (Mr. Serjeant Jackson), have felt ourselves bound in honour so to act, in consequence of our acquiescence in the proposition, that, if the tithe question were settled on a satisfactory basis, we would not oppose the principle of the Government corporation plan.

Mr. SERJEANT JACKSON. — I do not think I am fairly open to the charge made against this amendment by the Honourable Member for Kerry. What I considered that I agreed to, as the principle of this Bill, was, the principle of reconstruction; but I never agreed to submit to the transfer of these corporations from the hands of Protestants to Roman Catholics.

Mr. JOHN YOUNG. — Although I have assented to every other amendment of the Honourable and Learned Serjeant the Member for Bandon, I cannot agree to the one which is now under consideration. All the money to be laid out will be derived from the rates; and I think that the parties who pay the rates ought, in the last resort, to have the control over them; and I cannot see that it would be right to admit 700 or 800 persons to vote along with the ratepayers, who have no right to do so.

The Committee divided: — Ayes 44, Noes 97; Majority 53.

AYES.

A'Court, Captain
Arbuthnott, Hon H.
Bagge, W.
Bailey, J. jun.
Baring, H. B.
Boldero, H. G.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, Lord Viscount
Cooper, E. J
Corry, Hon. H.
Darby, G.
Darlington, Earl of
Dunbar, G.
Du Pre, G.
Fellowes, E.
Greene, T.
Grimsditch, T.
Halford, H.
Henniker, Lord
Hodgson, R.
Hope, G. W.
Ingestre, Lord Visct.
Inglis, Sir R. H.
James, Sir W. C.
Kelly, F.
Litton, E.
Mackenzie, T.
Maunsell, T. P.
Maxwell, Hon. S. R.
Neeld, John
Perceval, Hon. G. J.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Somerset, Lord G.
Trench, Sir F.
Verner, Colonel
Waddington, H. S.

Tellers.

Jackson, Mr. Serjeant
Perceval, Colonel

NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Hon H.
Bewes, T.
Blake, M. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehnrst, J.
Brodie, W. B.
Busfeild, W.
Clay, W.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Serjeant
Dalmeny, Lord
Duke, Sir J.
Elliot, Hon. J. E.
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grey, Rt. Hon. Sir G.
Harcourt, G. G.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Johnson, General
Labouchere, Rt. Hon. H.
Lushington, C.
Macaulay, Right Hon. T. B.
Melgund, Lord Visct.
Morpeth, Lord Visct.
Muntz, G. F.
Murray, A.
Noel, Hon. C. G.
O'Connell, D.
O'Connell, John
O'Connell, M. J.

O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rice, E. R.
Roche, W.
Russell, Lord J.
Salway, Colonel
Seale, Sir J. H.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Stock, Dr.
Strangways, Hon. J.
Strickland, Sir G.
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, Rt. Hon. Sir R. H.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Winnington, Sir T. E.
Wood, C.
Wood, B.
Yates, J. A.
Young, J. (Cavan)

Tellers.

Stanley, Hon. E. J.
Tufnell, H.

Mr. O'CONNELL. — It is my intention to propose certain clauses; but I think the most convenient opportunity for discussing them will be on bringing up the Report. I shall propose a clause by which the aldermen, who have not already passed the chair, may be enabled to obtain compensation for the loss which they have sustained; also, that Mr. Dickinson and other individuals who have taken office under corporations since 1833, be entitled to compensation; and that such members as choose to resign may also be compensated.

Mr. SERJEANT JACKSON.—I shall have great pleasure in seconding the amendments of the Honourable and Learned Gentleman, because I believe them to be founded in justice.

The House then resumed. Bill to be reported on Tuesday next.

COMMITTEE OF SUPPLY— NAVY ESTIMATES.

Mr. MORE O'FERRALL. — I beg to move that the House do now resolve itself into a Committee of Supply.

Motion agreed to. The House went into committee.

Mr. M. O'FERRALL. — I beg to propose that a sum, not exceeding 1,142,504*l.*, be granted to Her Majesty, to defray the charge of wages to seamen and marines, and to the ordinary and yard craft, which will come in the course of payment during the year ending on the 31st of March, 1841.

On the question being put, —

Mr. HUME said: — I think it would be desirable to have an estimate, not only of the number of ships and men, and the amount of their wages, but of the annual expense of building and repairs. The navy estimates are swelled to a greater amount than they ought to be by the present system; and the public are kept in the dark as to the real expense of the navy. The outlay of every shilling of the steam packet service, also, ought to be inquired into.

Mr. M. O'FERRALL. — I cannot, at the present moment, give the estimate required by the Honourable Member. The steam packets are employed in the Post Office service; and I am not aware that there is any objection to inquiry on the subject.

Mr. C. WOOD. — There would be no difficulty in giving an account of the expenses of the dockyards in any one year; — for instance, from the 31st of March, 1839, to the 31st of March, 1840. The repairs are so mixed up, from one year to another, that it would be impossible to give any estimate. My Honourable Friend asked the same question last year, and received a similar answer.

Mr. HUME. — I have had the same answer for the last ten years. I shall be satisfied with obtaining an account for the last year. If an account were kept of the expense of every ship sent out, I do not think there would be any difficulty in forming an estimate.

SIR T. COCHRANE. — I wish to obtain some explanation from the Honourable Secretary to the Admiralty, as to certain parts of the paper which I hold in my hand, which purports to be the naval balance sheet for the last year. I deeply regret the slender information afforded to the country, as to the state of our naval establishment; and I think, if there be one moment at which, more than another, such information ought to be given, it is when the Government come down and make great demands — certainly not greater than are required — for the service of the country. I have, in vain, looked to the estimates, and to the speeches delivered, for adequate information as to the number of ships building, their progress towards completion, the expense of naval stores, the wages of artificers, the charge for the conveyance of troops, and many other details of the highest importance. I had prepared a motion for Returns, which would have given the House adequate information on all these points; but when I was told that the motion would be opposed, on the ground that furnishing the Returns would embarrass the Government, I felt it to be my duty not to press for them. I confess that I think it a very questionable policy to conceal the state of the navy of this country. I do not believe that a full disclosure would be half so injurious to the public service as the frequent statements which go forth of the decrepitude of our naval force. No person, who has not been abroad, can be aware of the extent to which, it is believed, our navy has declined, and how unprepared we are for a great and extensive war. I cannot see why the Admiralty should not follow the example of the French Government, which annually makes a clear and elaborate statement as to the naval force of that power. Where you are strong, you require no concealment; it is only where you are not strong that you require a cloak to cover your weakness. If, unfortunately, the statements which have been made should prove to be true, I am sure that the country and the House would not hesitate to supply any defect, and place the navy on such a sound and substantial footing as would cause it to be respected by its friends, and feared by any hostile power. I now wish to ask the Honourable Member for Kildare some explanation as to two items which appear in the naval balance sheet; — one is, the sum saved on the wages of seamen and marines, amounting to 74,892*l.* 12*s.* 10*d.*, and the other, the saving upon victuals, of 46,340*l.* 4*s.*; — making, together, the sum of 121,232*l.* 16*s.* 10*d.* Now, this sum is about equal to the charge for the maintenance and wages of 2160 seamen for one year. I feel it the more necessary to ask this explanation, because, unless it be given, the House may be led to believe that the Admiralty are reverting to the practice, pursued some years ago, of transferring the balance of one vote to the deficiency of another. When the Government of Earl Grey came into power, the ex-Government were told that that practice was illegal, and that they had almost laid themselves open to impeachment, for it; and so important was it deemed to put an end to that system, that a clause was introduced into the Act passed at that time, enjoining the production of an annual balance sheet, to prevent the sums of money voted for one purpose being appropriated to another. For this reason, I am anxious that the Honourable Gentleman should explain why these two sums, with the exception of about 300*l.*, have been appropriated to the dockyard establishments, to the wages of naval artificers, and the purchase of naval stores?

MR. M. O'FERRALL. — With respect to the first observation of the Honourable and Gallant Officer, I can only repeat what I stated to him on a former occasion, that the Admiralty consider that such Returns could not be given consistently with the welfare of the service; but that, if the Gallant Officer, or any other naval officer, chose to call at the Admiralty, I should be very happy to furnish him with the information which he required. With regard to devoting the surplus of one vote to any deficiency in another vote, I believe the practice has always been followed; and I never heard it complained of before. It is hardly possible to avoid doing so in certain respects, in consequence of the system of paying the wages of seamen.

SIR T. COCHRANE. — The Honourable Gentleman certainly was so kind as to say I might see the necessary documents, for my own private information; but I did not feel myself justified in going to the Admiralty, and looking over the papers in question, as I could not afterwards avail myself of any information that I might acquire from them. What I wished for was, that the House and the country should be put in possession of this information in a tangible form. I confess that the explanation of the Honourable Secretary as to the balance sheet is not satisfactory. The question is, not as to the custom of transferring the surplus of one vote to the deficiency of another; because, whether the custom be good or bad, it is in contravention of the rule laid down by Lord Grey's Government, for putting an end to the system. In the year 1831, the Right Honourable Baronet, then First Lord of the Admiralty, denounced the system in the strongest terms, and said that it was illegal; and, if I am not much mistaken, he stated that he had taken the opinion of counsel as to the propriety of undertaking prosecutions for it.

MR. C. WOOD. — I believe that I am the person who ought, properly speaking, to have been called to account, by the Gallant Officer, for the transfer, which appears in the balance sheet. The Gallant Officer stated, and truly, that the Right Honourable Member for Pembroke, in 1831, blamed the Admiralty for the transfer of any surplus to other votes. I admit that this is an apparent departure from the rule then laid down; but I think the circumstances under which it took place will appear to be a sufficient justification in the eyes of the Committee. In the summer of 1838, when affairs in the East assumed a more hostile appearance than they had previously done, it became necessary to make some considerable addition to the naval force; which there was no opportunity of providing for immediately by a vote. It is exceedingly inconvenient to make a very large increase at once; and we determined to make it gradually; and I stated that intention to the House at the time: and we have since made a gradual increase in the votes for wages, for the yards, and for stores. A greater increase, however, became necessary in 1838 than was anticipated, particularly in the charge for stores. The chief portion of the additional charge arose from the necessity of purchasing vessels, and stores for ships, in Canada. I trust that this explanation will satisfy the Committee as to the excess on that head. I will now say a few words with respect to the naval balance sheet. It does so happen that, although the Right Honourable Gentleman the Member for Pembroke brought in the Act with the laudable intention of limiting the expenditure of the Admiralty within the votes of the year, yet there is no part of the public service to which that rule of limitation is so little applicable as the navy. With respect to yard-wages, salaries, and the regular expenses paid within the year, there is no difficulty; but it is impossible that the expense of stores and buildings, and seamen's wages, within the year, can correspond with the votes of the year. The Right Honourable Baronet the Member for Stamford expressed his surprise at the expenditure having been kept so accurately within the estimates; but the solution of that fact is, that, for many years subsequent to 1830 the expenditure under every head was considerably under the estimate. But the moment the expenditure runs close upon the estimate, it becomes impossible to keep the expenditure of the year within it. Take the case of the wages of men. Suppose that a certain number of men are employed, and that their annual wages amount to 1,000,000*l.*; it is perfectly notorious, according to the system of payment, that those men will not receive, in the course of the year, that amount of wages; and that a large balance will be due to them when they are to be paid off. In consequence, however, of the change introduced by the Right Honourable Gentleman the Member for Pembroke, increasing the amount of current payments to families, and of pocket-money to the men, there is now a less amount of such balances. Nevertheless, in the fourth year, there will be payable a sum of money equal to the amount of the difference between the annual vote and the annual sum paid to the men. In the fourth year, there will, therefore, always be a considerable excess on the item of men's wages; and if, at any time, the number of men be reduced, there will be a corresponding excess in the amount to be paid. With regard to stores, the contracts are made for their delivery on the 3d of March; but if they should not be delivered until April, a much larger amount will be payable in a subsequent year than was calculated on in the year preceding; and such a case it is impossible to guard against. Under the old system, the department could draw on the Exchequer, and the payments were made partly to the credit of one year, and partly to the credit of another; but, under the Bill of the Right Honourable Baronet, the moment the year is out, the credit for that year is extinguished, at the Exchequer. There might be a sum of 300,000*l.* or 400,000*l.* payable in a year for which no provision had been made in the estimates, which must necessarily come under the head of excess, and, if paid, must be paid from the surplus arising from some other vote. It is, however, the same thing in the end, to the public; and, although the Admiralty may appear to be open to blame, the fault, if fault it be, arises from circumstances over which they have no control. The advantage of the balance sheet is that, at all events, the matter is brought before the public. I agree with the Honourable Member the Secretary to the Admiralty that it is expedient to make some provision to meet the objection; and I think it might be done by continuing the credits for a certain time.

MR. WARBURTON. — Several valuable and instructive Returns have been laid before the House with regard to the medical department of the army; and I wish to ask, whether similar Returns have been prepared with respect to the seamen on the different stations? If so, I trust they will be laid before the House, in order that we may test the comparative treatment of our seamen at different periods.

SIR T. TROUBRIDGE. — The statistical accounts to which the Honourable Member refers have been in the course of preparation for several years, and they are now in a state of forwardness. I believe they will be found perfectly satisfactory. I cannot say, exactly, when they will be produced; but I will take care that they shall be brought forward as soon as possible.

Mr. HUME. — I wish to ask, whether any arrangement is likely to be made for the more regular payment of seamen, who, on returning home, frequently have large sums of money to receive, of which they are sometimes plundered in the course of a week? I think great advantages would result from the correction of this irregularity; and that, if seamen had the means, they would purchase many useful articles, instead of squandering their money in irregularities. Their health would be much benefited, and their satisfaction with the service would be greatly increased.

SIR CHARLES ADAM. — A regulation, by which seamen receive a monthly allowance, has been in existence ever since the time the Right Honourable Baronet the Member for Pembroke held the office of First Lord of the Admiralty; but it is a system which has been much complained of, by the officers, as producing habits of intoxication. I am persuaded, however, that, in its ultimate effects, it will be found to be a proper and useful measure. The indulgence requires a considerable degree of attention on the part of the officers; but that they will readily bestow. With regard to any further allowance being paid, that is a subject which requires mature deliberation; and it certainly shall receive my anxious attention.

Mr. HUME. — If a ship remain abroad two or three years, I wish to ask, whether there is any settlement, meantime, with the seamen, before her return, and what proportion of their wages they would receive monthly?

SIR C. ADAM. — The amount paid to them is 4*s.* per month. There is no balance paid to a seaman abroad; but he has clothes, and many other things, on account.

SIR GEORGE CLERK. — I wish to correct an error into which the Gallant Admiral has fallen, in answering a question put by the Honourable Member for Kilkenny. The practice of monthly payments has existed for fifteen years.

SIR C. ADAM. — That is quite true; but the allowance has been increased since its first establishment.

SIR GEORGE CLERK. — The practice was introduced, in 1825, by Sir George Cockburn. The Honourable Member for Kilkenny inquired as to the probable amount due to a seaman after two years' service. I believe a seaman is entitled to two months' pay before leaving the harbour; and this, together with bedding, clothes, &c., the allotment to his family, and his 4*s.* a-month, will leave him without any claim for two years to come. The only doubt as to the propriety of these advances was, whether, by allowing him thus to become a debtor to the public, a temptation would not be held out to quit the service; but I believe no inconvenience has arisen in this respect, and that the regulation has been conducive to the health and discipline of the men. But I rose chiefly to make a few remarks on the observations which have fallen from the Honourable Gentleman opposite (Mr. Wood). I agree with the Honourable Gentleman that it is almost impossible to confine the expense within the estimates; but when Parliament required a more strict compliance with the letter of the Appropriation Act, it was the bounden duty of the Admiralty, in forming the estimates, to take care to propose adequate sums to meet the demands likely to arise. With respect to the packets, I think the best course would be, to ask for an increased vote under that head. I am well aware that, at the time you are reducing the naval force, you will have a larger amount to pay in wages; but there is one reason why this has not occurred within the last five years, and why there is a considerable excess in that department; and that is, that, since the year 1836, when the Honourable Gentleman moved for an addition of 5000 men, until the present year, he has never raised within 2000 of that number, although the wages have been calculated to the full extent. In 1836, the Honourable Gentleman annexed an explanatory statement of the total amount of wages to be required for the seamen employed, which gave such satisfaction to the Honourable Member for Kilkenny, that he waived the objection to the increase of men; and I find there was a wonderful coincidence between the number of men voted and the actual number employed at the time the estimates were made: for the number voted was 15,500, and the number mustered on the ships' books, on the 1st of January, 1836, was 15,502. In 1837, there were 2180 men less employed than were voted; and, in 1838, there were 3000 less. At that time, the ships employed would have required 23,275 men to make up their full complements; and, as Parliament sanctioned a vote for 23,165, that number might have been sufficient, if the Admiralty had been able to find men willing to enter. But let us look at the present estimate. The number of seamen required for all the ships now in commission is 26,524. The Honourable Gentleman the Secretary to the Admiralty has explained the reason for the increase of men, by stating, that there are now 239 ships of war of all classes, whilst last year there were only 224. But the Admiralty, this year, instead of calling upon the House to vote such a number of men as will complete the complements of these ships, ask us to vote a smaller number of men than are actually employed at present; because we have now 24,376 men, being 2148 less than the proper complement; whilst the number proposed is only 24,165, being 2359 less.

The Honourable Gentleman the Secretary to the Admiralty informed the House, on Friday last, that, owing to the state of our foreign relations, it was impossible to hope for any reduction of our naval force. If it be necessary to employ 239 vessels of war, we ought, at least, to vote such a number of men as will complete the complements of the ships up to the peace establishment. I do not ask the House to complete them up to the war establishment, as recommended by the Honourable Member for Brighton, and some other Honourable Members. Again, we are asked to vote only 880,000*l.* for wages; whereas the amount necessary to pay the ships, if the complements were complete, would be 963,000*l.* I cannot sit down without adverting to the difficulty which has been experienced of late years in manning the navy. During the last five or six years, ships have frequently found it next to impossible to procure an adequate number of men, and have been obliged, in some instances, after a long detention in harbour, to quit the ports with a reduced crew. In the event of hostilities unexpectedly breaking out, it is evident that the most lamentable consequences may be apprehended. I would strongly urge the Admiralty to allow those seamen, to whom pensions for long services have been granted, to receive their pensions while serving on board Her Majesty's ships; a privilege which is now denied to them. It is true, that in the year 1816, when those pensions were first granted, a regulation was made that no man should receive a pension while serving in the navy; but the Committee must bear in mind the great difference between the state of our maritime affairs at that time and at the present. Instead of there being any difficulty in finding an adequate number of seamen at that period, there was an immense number unemployed in the various ports of the empire; and the compassion of the public was appealed to for the purpose of relieving their distress; and it was thought better to give employment to those men who had no pensions, than to those who had a moderate income. But circumstances have now entirely changed; great difficulty is experienced in getting men when they are wanted; and the effect of the regulation is now to deprive the country of many of its very best seamen, since it operates as a bar against their continuing in the service. It is perfectly clear, that, when they receive higher wages in merchant ships, and are, besides, allowed to draw their pensions, they cannot be expected to re-enter the navy, where they will get lower wages and forfeit their pensions. I am therefore impressed with the conviction, that the rescinding of the regulation will be an excellent means of facilitating the manning of our ships. Above all, whatever reasons might exist twenty years ago for sending out our ships with short complements, I contend that the altered circumstances of the country, the state of our foreign relations, the necessity of making a warlike demonstration in the Mediterranean, by sending out a squadron as large as that which Nelson commanded at the battle of the Nile, impose on us the duty of sending out our ships in an efficient state; because we know that the French ships are not only much larger than ours, but that their complements of men greatly exceed those of our ships. I believe that an increase has taken place since last year, to a small extent; but, judging from the ordinary sources of information, it is by no means sufficient; for almost every ship which has sailed for the Mediterranean has gone out short of hands; so that it was impossible they could take a sufficient number of supernumeraries to complete the complements of the vessels previously in that part of the world. I trust the Government will seriously consider the present position of affairs, and take measures for improving, not only the number, but the quality, of the men; for it is too much to expect that undermanned British vessels can compete with other vessels of greatly superior force.

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SIR GEORGE CLERK. — The practice was introduced, in 1825, by Sir George Cockburn. The Honourable Member for Kilkenny inquired as to the probable amount due to a seaman after two years' service. I believe a seaman is entitled to two months' pay before leaving the harbour; and this, together with bedding, clothes, &c., the allotment to his family, and his 4*s*. a-month, will leave him without any claim for two years to come. The only doubt as to the propriety of these advances was, whether, by allowing him thus to become a debtor to the public, a temptation would not be held out to quit the service; but I believe no inconvenience has arisen in this respect, and that the regulation has been conducive to the health and discipline of the men. But I rose chiefly to make a few remarks on the observations which have fallen from the Honourable Gentleman opposite (Mr. Wood). I agree with the Honourable Gentleman that it is almost impossible to confine the expense within the estimates; but when Parliament required a more strict compliance with the letter of the Appropriation Act, it was the bounden duty of the Admiralty, in forming the estimates, to take care to propose adequate sums to meet the demands likely to arise. With respect to the packets, I think the best course would be, to ask for an increased vote under that head. I am well aware that, at the time you are reducing the naval force, you will have a larger amount to pay in wages; but there is one reason why this has not occurred within the last five years, and why there is a considerable excess in that department; and that is, that, since the year 1836, when the Honourable Gentleman moved for an addition of 5000 men, until the present year, he has never raised within 2000 of that number, although the wages have been calculated to the full extent. In 1836, the Honourable Gentleman annexed an explanatory statement of the total amount of wages to be required for the seamen employed, which gave such satisfaction to the Honourable Member for Kilkenny, that he waived the objection to the increase of men; and I find there was a wonderful coincidence between the number of men voted and the actual number employed at the time the estimates were made: for the number voted was 15,500, and the number mustered on the ships' books, on the 1st of January, 1836, was 15,502. In 1837, there were 2180 men less employed than were voted; and, in 1838, there were 3000 less. At that time, the ships employed would have required 23,275 men to make up their full complements; and, as Parliament sanctioned a vote for 23,165, that number might have been sufficient, if the Admiralty had been able to find men willing to enter. But let us look at the present estimate. The number of seamen required for all the ships now in commission is 26,524. The Honourable Gentleman the Secretary to the Admiralty has explained the reason for the increase of men, by stating, that there are now 239 ships of war of all classes, whilst last year there were only 224. But the Admiralty, this year, instead of calling upon the House to vote such a number of men as will complete the complements of these ships, ask us to vote a smaller number of men than are actually employed at present; because we have now 24,376 men, being 2148 less than the proper complement; whilst the number proposed is only 24,165, being 2359 less.

The Honourable Gentleman the Secretary to the Admiralty informed the House, on Friday last, that, owing to the state of our foreign relations, it was impossible to hope for any reduction of our naval force. If it be necessary to employ 239 vessels of war, we ought, at least, to vote such a number of men as will complete the complements of the ships up to the peace establishment. I do not ask the House to complete them up to the war establishment, as recommended by the Honourable Member for Brighton, and some other Honourable Members. Again, we are asked to vote only 880,000*l.* for wages; whereas the amount necessary to pay the ships, if the complements were complete, would be 963,000*l.* I cannot sit down without adverting to the difficulty which has been experienced of late years in manning the navy. During the last five or six years, ships have frequently found it next to impossible to procure an adequate number of men, and have been obliged, in some instances, after a long detention in harbour, to quit the ports with a reduced crew. In the event of hostilities unexpectedly breaking out, it is evident that the most lamentable consequences may be apprehended. I would strongly urge the Admiralty to allow those seamen, to whom pensions for long services have been granted, to receive their pensions while serving on board Her Majesty's ships; a privilege which is now denied to them. It is true, that in the year 1816, when those pensions were first granted, a regulation was made that no man should receive a pension while serving in the navy; but the Committee must bear in mind the great difference between the state of our maritime affairs at that time and at the present. Instead of there being any difficulty in finding an adequate number of seamen at that period, there was an immense number unemployed in the various ports of the empire; and the compassion of the public was appealed to for the purpose of relieving their distress; and it was thought better to give employment to those men who had no pensions, than to those who had a moderate income. But circumstances have now entirely changed; great difficulty is experienced in getting men when they are wanted; and the effect of the regulation is now to deprive the country of many of its very best seamen, since it operates as a bar against their continuing in the service. It is perfectly clear, that, when they receive higher wages in merchant ships, and are, besides, allowed to draw their pensions, they cannot be expected to re-enter the navy, where they will get lower wages and forfeit their pensions. I am therefore impressed with the conviction, that the rescinding of the regulation will be an excellent means of facilitating the manning of our ships. Above all, whatever reasons might exist twenty years ago for sending out our ships with short complements, I contend that the altered circumstances of the country, the state of our foreign relations, the necessity of making a warlike demonstration in the Mediterranean, by sending out a squadron as large as that which Nelson commanded at the battle of the Nile, impose on us the duty of sending out our ships in an efficient state; because we know that the French ships are not only much larger than ours, but that their complements of men greatly exceed those of our ships. I believe that an increase has taken place since last year, to a small extent; but, judging from the ordinary sources of information, it is by no means sufficient; for almost every ship which has sailed for the Mediterranean has gone out short of hands; so that it was impossible they could take a sufficient number of supernumeraries to complete the complements of the vessels previously in that part of the world. I trust the Government will seriously consider the present position of affairs, and take measures for improving, not only the number, but the quality, of the men; for it is too much to expect that undermanned British vessels can compete with other vessels of greatly superior force.

CAPTAIN PECHELL.—I quite concur in what has fallen from the Right Honourable Baronet, as to the necessity of increasing the facilities for manning the navy. I think the time has arrived when those old seamen ought to be permitted to return to the service, and retain their pensions. I am rather surprised at the inconsistency of many Honourable and Gallant Gentlemen opposite, who contend that there ought to be no such thing as a peace establishment; for, on the motion of my Gallant Friend (Sir E. Codrington), on the 21st of April last, for completing the complement of our ships, only one Noble Lord opposite (Lord Ingestre) voted in favour of the proposition; which was negatived by a majority of 90 to 27. These Honourable Gentlemen, however, now come forward and blame the Admiralty for the inefficient manning of our ships; but if a similar motion should be again made, I trust they will give it their support. I wish to call the attention of the Committee to one very meritorious class of men, who have hitherto been neglected. According to the present estimate, there appear to be 387 mates; whilst, in 1839, there were 487; and I should like to know, from the Honourable Gentleman the Secretary to the Admiralty, what has become of the hundred? In 1838, the number of mates, midshipmen, and volunteers amounted to 1303; in 1839, the number was 1069; and in 1840, the number is 1099; so that the number of these valuable officers is less by 200 than it was in 1838. By a Return which I hold in my hand, the number of mates on board ships on the 1st January, 1840, is stated to be 567; whilst, in the estimate, the number is only 387; and I am very anxious to hear that difference accounted for. Amongst these individuals, there are 11 whose services range from 25 to 30 years; 5 who passed their examination 12 years ago; 11 who have been in the service 11 years; and the majority have been employed more than 9 years. Their pay is only 2*s*. 9*d*. per day, whilst midshipmen receive only 1*s*., and volunteers no more than 9*d*. I consider this state of things to be a disgrace to the service; and I trust the case of these individuals will be taken into serious consideration, and that they will shortly be placed on a more respectable footing.

Mr. F. H. BERKELEY.—I had the honour of being in the minority on the occasion alluded to by the Gallant Captain who has just sat down; and everything which has since occurred has convinced me of the correctness of the principle laid down by the great Captain of the age, that no British ship should leave port unless with crew and equipment complete in every respect. With respect to what has recently occurred in China, if the Chinese had had a disposable force, or if they had been disciplined like the French, or the Americans, what would have been the consequence? Disgrace to our flag. It would be useless for us to attempt to enter into a contest with the French navy with our present short complement of men; for their bravery is not a matter of doubt; and if we send out a force of one to three, we must be humiliated. I, therefore, am of opinion, that our squadrons should be sent out in such a condition as to enable them to protect the flag at their mastheads. The first events of a war often give a character to that war; and if we should be defeated in our first efforts in a war with America, success would not be likely to attend us afterwards; for the enemy's ranks would be strengthened by desertions from our own, and the confidence of our men would be lost. On these grounds, I contend, that no ship of war ought to leave a British port unless she be completely prepared to act against any force, however well prepared it may be. I would not have a nominal, but an actual, equality. I would have a British frigate of thirty-six guns able to contend with one of the same force belonging to any other nation; but, at present, our 36-gun frigates are not more than a match for a 28-gun ship well armed and well manned. I contend, that more attention should be paid to the manning of our navy; and if that be not done, events may occur which we shall have the greatest cause to regret.

SIR H. VERNEY.—It appears to me most desirable that our navy should be fully on an equality with the navy of any other country; and that a smaller number of ships than we have, now, actually employed, is quite out of the question. It does appear extraordinary to me, that we should persevere in a practice which offers a bounty to our most experienced sailors to quit the service of the country. It is quite evident, that an officer at the age of forty is in the very prime of life; and to deprive him of his pension if he remain in the navy, is a direct bounty to engage in the American merchant service. I have heard it represented, over and over again, that our vessels are under-manned. I think it very impolitic, in those who are at the head of a gallant profession, to instil into the minds of those below them that our fleets are not fully manned; and if

I were at the head of a regiment, I should be extremely sorry to find an opinion gaining ground that we were not in a condition to perform, in an efficient manner, any duty, which might be required of us. When statements are reiterated, that our ships leave the country in a condition which unfits them for the proper discharge of their duty, it must lead to the conviction, that they cannot perform that duty; and such an impression must be most injurious. I do not believe that they are undermanned. I do not believe that our large ships in the Mediterranean are incapable of any services that may be required of them, or that they are at all inferior to any ships in the world; for, in all our victories, we have had one half or one fourth less men than the vessels with which we have had to contend. I have heard, with great regret, the statement of the Gallant Officer opposite (Captain Pechell), that there are officers receiving not more than 30*l.* a-year, who have been for twenty years in the service. I think that an extremely low rate of remuneration; and I have no doubt that, if the case were brought before the House, it would receive the consideration to which it is fairly entitled.

LORD VISCOUNT INGESTRE.—I cannot agree with the Honourable Baronet who has just sat down, that naval officers ought not to express their sentiments on the state of the navy; and I should like to know where they are to speak their sentiments, if not in this House? I quite agree with the Honourable Member for Bristol (Mr. Berkeley) as to the expediency of fully manning the navy; and I had the honour of seconding the motion of a Gallant Friend, that ships going on foreign service should be completely manned. Since that time, I have been given to understand that a change has taken place; and I believe our force to be now more effective. I do not wish to make any factious opposition, on the subject of manning; my only desire is, that the service should be put on a proper footing, so that it may continue to maintain the honour of our flag. I cannot, however, subscribe to the opinion of the Honourable Member for Bristol, that we are likely to incur disgrace; for I do not believe that British ships would incur disgrace under any circumstances whatever, whether inadequately manned, or not. At the same time, they ought to be put in a proper state to meet the enemy, whenever they may be called upon. With respect to the condition of the mates and midshipmen, I perfectly agree in all that has fallen from the Gallant Officer the Member for Brighton. It is a disgrace to the service that there should be officers of that age holding no station, no rank, as compared with the army, — receiving, comparatively speaking, no pay, — and no half pay whatever. It is a hard case that men who have attained the age of forty-four years should still be kicking about in a midshipman's berth. I do not think that they ought to be placed in such a position after twenty-five years of age. There is one circumstance, with respect to the mates, which is most oppressive on them, and that is, when they are put on board ships, with acting orders, doing the duty of lieutenants. They are then frequently put into the officers' mess, but are not entitled to receive a tittle of additional pay. I believe that that plan has been forced upon the Admiralty in a false spirit of economy; but, I think, the sooner they put an end to it, the better will it be for the service. Now, with respect to the periodical payment of the men. A great amelioration has been effected in that respect; and my only doubt is, whether it has not been carried too far; for it has frequently led to breaches of discipline, by inducing intemperance, for which the men have been punished. It certainly is difficult to draw a proper line with respect to the mode of payment, and the question requires very serious consideration. If a man allot one half of his pay to his family, and obtain two months in advance, besides slops, there is very little chance of keeping him in the service, if he should consider himself aggrieved. These are reasons which ought to induce us to pause before increasing the monthly pay, which is quite sufficient at present, if not too much. With respect to the midshipmen, there is one class deserving of immediate attention. I allude to those who have received medals at the Royal Naval College. It has always been understood that a person receiving a medal is entitled, according to custom, to promotion at the end of the period of his servitude; and I think that persons so circumstanced ought to receive such promotion. I wish to mention one case to the Committee, which is peculiarly deserving of consideration. The case of a young gentleman, named Wood, who, after receiving a medal, went out and served in Portugal, with great satisfaction to his captains. On his return home, he passed his examination with the utmost credit to himself, exceeding, in point of numbers, an individual named Elliot, who was examined at the same time. Mr. Wood is still serving as a mate, whilst Mr. Elliot (a name familiar to the Admiralty) has been made a commander in the navy.

[Cries of "Hear, hear!"]

I think this is a case which calls for observation; and I must say, that, in my opinion, the patronage of the Admiralty is exercised, now, in the most profligate manner. I wish, before I sit down, to make a remark with respect to Sir James Gordon. I believe the Gallant Admiral mistook what I said on a former evening, for he thought I referred to the removal of that officer.

SIR C. ADAM. — No, no! I only took the opportunity of alluding to Sir James Gordon, in consequence of the Noble Lord having mentioned his mame.

LORD VISCOUNT INGESTRE. — What I intended to say was, that that officer was much more deserving of the governorship of Greenwich Hospital than Admiral Fleming, who had no earthly claim to it, except his political adherence to the present Administration. Taking the conduct of the Admiralty altogether, I must say that they have exercised their patronage in a very discreditable manner.

SIR T. TROUBRIDGE. — I am most reluctant to take up the time of the House; but so much has been said on the subject of undermanning the navy, that, considering the station which I have the honour to hold, and my own connection with the profession, I feel bound to trouble the House with a few words. I have never shrunk from expressing my opinion of the absurdity of war complements in a time of peace; and that opinion is every day strengthened by the information which I receive. Such a course must be expensive, and is wholly unnecessary. I admit that, some time ago, in consequence of the improvements made, not only in the ships, but in the armaments, it became necessary to review the complement of men, and to consider whether some addition should not be made; and the alterations were carried into effect in the new ships, the Pique, the Inconstant, and other ships of that class, and also in some other vessels of a larger size. Now, it will be asked, under what arrangement those additions were made? They were made upon a calculation of the increased number of men necessary to work the guns of the ships. A Gun Committee sat in 1828, which made certain recommendations. Since that time, an alteration has taken place in the weight of the guns, and other improvements have been made; and, after consulting the best officers connected with the gunnery department, the whole of it has been revised, and the result is, that a certain number of men are considered sufficient to work a 32-pounder, another fixed number to work a 68-pounder, and so on. I do not mean to say that many officers would not rejoice in having 50 or 60 extra men, to make a display with, in any port to which they might be ordered. But we are to consider whether we allow a sufficient number of men to do the duty of the ships in time of peace; and I defy any officer in the House to point out a single case in which our ships, manned as they are at present, have not done their duty. Have our sailors failed in the performance of their duty either on the coast of Africa or on the coast of China? Have they not shown the same gallantry, steadiness, and bravery as on former occasions; and have not those qualities been attended with the same success as formerly? Will any man tell me of any disaster we have recently met with? If anything of the kind had happened, I think, from the situation which I have the honour to fill, that I must have heard of it; and yet I have heard nothing of the sort. Many other charges have been made against the Admiralty, but they are quite irrelevant to the vote before the House; and the better time to answer them will be, when the items to which they refer come regularly in the progress of the estimates under the consideration of the Committee. I am quite aware of the advantage of taking a vote on this estimate to-night; and I am equally aware of the impropriety of so humble an individual as myself making a long speech upon it. But there is one other point which I feel bound to notice. I have no hesitation in declaring, that, in our naval service, there must be some hard cases so far as regards the mates. That is a matter, however, which does not rest entirely with the Admiralty. We can only promote 1 in 3, and therefore, upon that score, no complaint can be made against the Admiralty. The Noble Lord has stated, that there are a number of hard cases arising from the long service of the mates. No doubt there are; but there are mates upon the list, who, though they have been fourteen, and even seventeen, years in the service, have not been anything like that time at sea. They have been on board steamboats; they have gone to Australia; they have been in India, and elsewhere, for their private emolument; and they have not, therefore, the same claim upon the Admiralty as those who have been all the time at sea in the service of the country.

LORD G. LENNOX. — Sir, I beg to suggest to the Honourable Gentleman the Secretary to the Admiralty the propriety of making a supplementary estimate for the marines, thus separating their expenses from those of the navy. Unless this be done, it is impossible accurately to ascertain what portion of the sum of 51,426*l.* is received by the 9000 marines. There is a charge of 1383*l.* for the pay of one lieutenant general of marines. Now, that officer belongs to the navy, and never was in the marines. There is also a charge of 1037*l.* for a major general of marines, who never served in the marines. There are other charges of a similar description. Now, the Committee ought to be able to ascertain, exactly, what the actual marine force costs the country. I object to having officers of the navy paid for being officers of marines, when, in point of fact, they are mere idlers. There is another item still more objectionable. I find that the pensions granted to flag officers, captains, and marine officers amount to 4350*l.* Can any man, on reading the words of that estimate, believe it possible that marine officers have not an equal share in those pensions? I deny, most positively, that they have. Two pensions of 150*l.* were last year granted to two gallant naval officers, and I am far from objecting to them; but I should like to see some share in those pensions granted to the marines. I also observe, in the estimates, one item for eight retired colonels of marines. I wish to ask the Secretary of the Admiralty whether the vacancies occasioned by those eight retirements have been filled up; because I believe that two of them were not to be filled up till the presentation of the Report of the Naval and Military Commissioners?

MR. BERNAL. — I wish to remind Honourable Members, that, although great latitude is allowed, on occasions of this kind, the present vote regards only the charge for the wages of seamen; and I would suggest whether the discussion would not more properly arise on the different points in the estimates, as they are brought forward.

CAPTAIN A'COURT.—I wish merely to say a word or two on behalf of the unfortunate mates. I believe that, if the Admiralty persist in their present system, they will find it matter of difficulty to get young men to enter the service as mates. I wish the Admiralty would promote the whole of the 300; and, I believe, it would not cost the nation more than 15,000*l.* a-year. I quite disagree with the Gallant Officer opposite (Sir T. Troubridge) as to the manning of the navy. It is my opinion that no ship ought to leave this country without being fully manned to meet all emergencies.

CAPTAIN THEOBALD JONES. — The Honourable and Gallant Member for Brighton has accused Honourable and Gallant Gentlemen on this side of the House of not supporting the motion of Sir E. Codrington. I am of opinion that none of our ships ought to be sent to a foreign country unless fully manned; but I do not think that a proper question for this House to decide; it ought to rest with the responsible advisers of the Crown. With respect to the observations of the Honourable and Gallant Member for Sandwich, that the present complement is founded on the Report of the Gun Committee; if that Report be good for anything, it shows the necessity for two establishments.

SIR T. TROUBRIDGE. — I said that the Report of the Gun Committee was the foundation of that alteration, which had been carried out by Sir Thomas Hastings. In consequence of the change in the system of armament, with respect to shells, it became necessary to attach a certain number of men to that department. Of course, their services are available for the purpose of furling the sails, weighing anchor, and many other things; and, therefore, I say that the ships are better manned than the generality of officers believe; and I will venture to add, that there never was a fleet in such order and discipline as our's is at the present moment.

CAPTAIN BOLDERO. — I am very anxious that this and the succeeding vote should pass through the Committee this evening, because it will be a great convenience to the service. I think, however, that we ought not to grant any further votes until the Report of the Naval and Military Commission shall have been laid before the House. That Commission has suggested various improvements; and, when we are acquainted with them, we shall be in a much better situation to discuss the estimates. I understand that not more than another sitting of that Commission is necessary to complete its Report. The Duke of Wellington is now sufficiently recovered to attend to business; and I trust that, in the course of next week, he will be able to devote a day to the consideration and approval of that Report. If any grants beyond those at present under discussion be proposed before that Report is received, I shall meet them with every opposition in my power.]

Mr. LABOUCHERE. — I think one of the propositions of the Honourable and Gallant Officer reasonable enough; and that is, that the Government should be content to take the next two votes, and not go further into the estimates, to-night. But I cannot agree to the Honourable and Gallant Officer's second proposition, that we should take no more votes upon the navy estimates until the Report of the Naval and Military Commission is received. I cannot see any such connection between the two subjects as should induce the Committee to consider that they cannot decide on the estimates independently of the Report of that Commission. That point, however, can be decided when the estimates again come before the Committee.

Mr. HERRIES. — I quite concur in the view of the Honourable Gentleman opposite as to the propriety of taking this vote; and I think, after the long discussion which has taken place, there must be a general disposition to bring it to a close. But I cannot allow the present vote to pass through the Committee without taking notice of a subject closely connected with it. I allude to the total want of information respecting the interruption of our commercial intercourse with the Chinese. Six weeks ago, Her Majesty, in her most gracious Speech from the throne, made this announcement to the two Houses of Parliament: —

> Events have happened in China which have occasioned an interruption of the commercial intercourse of my subjects with that country. I have given, and shall continue to give, the most serious attention to a matter so deeply affecting the interests of my subjects, and the dignity of the Crown.

Since the delivery of that Speech it has become notorious to all the world that preparations have been made for the departure from England of a considerable armament, destined for the accomplishment of some national purpose connected with this very untoward event; and it is well known that the merchants of England are knocking daily at the doors of the Treasury, in the hope of receiving some satisfaction for property of their's, worth 2,400,000*l.*, which has been sacrificed at Canton, in compliance with the demands of the British commissioner. But still their demands are left in abeyance, and they have received no encouraging answer to their application. The House of Commons remains up to this day totally uninformed, except by the statements in the newspapers, of any of these important proceedings; and this is the more singular, because a very general impression prevails that there has been considerable mismanagement in the administration of our affairs in that part of the world; that there has been great vacillation in our policy from day to day, — which has been not only injurious to private individuals, but highly disgraceful to the country. I do not mean to say that that impression is true; I only say that it is nearly universal. Of this, however, there can be no doubt, that not one single word has been uttered by any of Her Majesty's Ministers to satisfy the House of Commons, or to give it an insight into the grounds on which it is called to vote for additional expenses on account of our expedition to China. Honourable Members have asked for this information in almost every possible shape; and the Noble Secretary for Foreign Affairs has given promises on the subject in his most affable and agreeable manner: but, unfortunately, nothing like performance has ever followed those promises. When I asked the Noble Lord, last week, on the subject of these papers, he said that he thought the information would be forthcoming in the beginning of the present week, although he refused to bind himself to any particular day; but the week has now very nearly elapsed, and still no papers are forthcoming. I think the time has really arrived at which it is incumbent upon Government to present this information to the House. In other and better times, if such delay had taken place in the production of papers, a motion would have been made for an Address to the Crown to compel their production. I hope that there will be no occasion for a measure of that description at present, but that the Government will, without further delay, place upon the table the information which the country is now looking for with so much anxiety.

VISCOUNT PALMERSTON. — If the Right Honourable Gentleman had not, himself, been so long in office, I might have thought his present complaint a natural one; but the Right Honourable Gentleman knows the details of office, and can very well understand that the business of the production of such papers is not to be compared to a Member framing a motion and bringing it on at the very moment fixed for discussion. When the Right Honourable Gentleman talks of the production of papers, he ought to remember that they have to be copied, and that printers have to perform their work; and that it is not possible to say that they shall be produced on a given day. I assure the Right Honourable Gentleman that there has been no unnecessary delay, and no indisposition, in the office over which I preside, to forward the production of these papers. With regard to an Address to the Crown, the Right Honourable Gentleman must know that the papers have been already moved for, and that their production is not a matter of courtesy, but of duty, on my part, as soon as they be ready. I have no doubt that I shall be able to lay them on the table in the course of next week. I can only say, with regard to the other points referred to, that whatever impression may have gone forth as to the manner in which our affairs have been conducted in that part of the world, the papers, when produced, will prove that there is no foundation for the opinions to which the Right Honourable Gentleman has alluded. I must say, that there is no shrinking on our part, touching the production of these papers. It is now a mere question of clerkship and of printers' labour.

Mr. **HERRIES.** — I must say, that I never recollect anything like the delay which has occurred in preparing these documents. I well know the attention and diligence of the gentlemen employed in the public offices; and, with that knowledge, I cannot imagine any reason for this extraordinary delay. There must be something beyond all former precedent, or the papers must be extremely voluminous. The announcement in Her Majesty's Speech was an indication that these papers would be presented; and they ought to have been ready long ago.

SIR C. ADAM. — Some remarks have been made with respect to the great difference between the number of mates in 1838 and 1840. This is not a question which can be answered off-hand. I believe there are 75 fewer mates than last year; and out of these, 35 have been promoted.

CAPTAIN BOLDERO. — I wish to ask the Noble Lord opposite whether the Government have received any despatches from China, giving an account of an assault on two vessels of war; and if so, what force was employed, and what number of the Chinese were killed or wounded?

VISCOUNT PALMERSTON. — I have received no official accounts of the matter.

Resolution agreed to; to be reported on Monday next. The House resumed.

APPOINTMENTS.

COLONEL SIBTHORP. — Previous to your leaving the chair to go into Committee of Supply, on Monday next, it is my intention to move for "a Return of all the appointments exceeding in value the sum of 200*l.* per annum, that have been made in the various public departments, including the household appointments, with the names and dates of such appointments, together with the several salaries and allowances granted to or received by each, from the 22d day of November, 1830, to the present period."

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Second reading deferred till Monday, 9th March.

COLONIAL PASSENGERS BILL.

Committee deferred till Monday, 9th March.

PRISONS BILL.

Second reading deferred till Friday next.

VAGRANTS' REMOVAL BILL.

Read a third time, and passed.

WAYS AND MEANS.

Committee deferred till Monday next.

INLAND WAREHOUSING BILL.

Second reading deferred till Monday next.

EAST INDIA PRODUCE.

Nomination of Committee deferred till Monday next.

GRAMMAR SCHOOLS BILL.

Second reading deferred from Wednesday next till Monday, 13th April.

Adjourned, at a quarter before one o'clock, till Monday next.

HOUSE OF LORDS, LUNÆ, 2° DIE MARTII, 1840.

APPEALS.

Gibson *v.* Ross. — Appellant's counsel heard; counsel ordered to withdraw, and interlocutor affirmed.

Countess of Dalhousie *v.* M'Dowall. — In part heard, and adjourned till to-morrow.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company. — Consideration adjourned till to-morrow.

Flight *v.* Thomas (writ of error). — Delivered by the Lord Chief Justice of the Court of Queen's Bench in the usual manner.

Kay *v.* Marshall; Gardner *v.* Scott. — Leave for recognisances to be entered into for the appellants.

GEORGE ALSTON, AND OTHERS.

Petition of, for a private Bill, — Read, and referred to judges in Scotland.

FORREST'S (MULLINEAUX) ESTATE BILL.

Judges' report received, and Bill read a first time.

MARCHMONT PEERAGE.

Committee for Privileges to meet on Thursday, the 12th instant.

BATTERSBY'S DIVORCE.

A Bill "to dissolve the Marriage of Ann Battersby with Arthur Battersby, her now Husband, and to enable her to marry again; and for other Purposes therein mentioned." — Presented (on petition), and copy of proceedings in Ecclesiastical Court delivered (on oath), and Bill read a first time.

CHARD CANAL BILL.

Reported, without amendment.

EARL OF ANNANDALE AND HARTFELL, &c.

Petition of Dougal Campbell, Esquire, M.D., to Her Majesty, claiming the honours and dignities of Earl of Annandale and Hartfell, Viscount Annan, Lord Johnston of Lochwood, &c. — Presented (by command), and referred to the Committee for Privileges to consider, and report.

BEAUMONT BARONY.

Petition of Miles Thomas Stapleton, of Carlton, in the county of York, Esquire, to Her Majesty, to determine the abeyance of this barony in his favour; presented by Her Majesty's command, together with the report of the Attorney General thereon. — Read, and referred to the Committee for Privileges, to consider and report.

PROMOLI'S NATURALISATION BILL. — HAUSBURG'S NATURALISATION BILL.

Certificates read; petitioners took the oaths; and Bills read a second time, and committed for to-morrow.

CHURCH DISCIPLINE.

The BISHOP of EXETER. — My Lords, I hold in my hand several petitions on a subject of vital importance to the Church;—I mean the system of church discipline. It has been my misfortune to differ on this subject from many whose judgment I revere; but I am now happy to say that, in a recent conference of the Bishops upon this matter, an understanding has been come to without a compromise of principle on the part of any one, which will enable us to lay before both Houses of Parliament a Bill, that I hope will give satisfaction to all parties. I am heartily rejoiced to be able to make that statement. I beg to present to your Lordships petitions praying that in any measure upon this subject which may be introduced to Parliament, provision may be made for the salutary exercise of episcopal power; upholding, at the same time, the appellate jurisdiction of the metropolitan courts,—from the clergy of the deanery and peculiars of Pyder; from the archdeacon and clergy of the archdeaconry of Exeter; from the archdeacon and clergy of the deaneries of Barnstaple and Sherwell; and from the clergy of the deanery of Furness and Cartmel; West Powder; Penwith; and West.

Petition read, and ordered to lie on the table.

The BISHOP of LONDON. — My Lords, it is my pleasing duty to confirm what has just fallen from the Right Reverend Prelate, and also to express my hope that the measure, in which the Bishops have concurred, will prove satisfactory.

SCOTCH CHURCH PATRONAGE.—NON-INTRUSION.

The BISHOP of LONDON. — My Lords, I have to present a petition in favour of the principle of non intrusion,—from the minister, elders, and others, of Kilmenny. The prayer of the petition relates to a subject of vital interest to the Church and people of Scotland. The petitioners say, that the excitement which prevails upon it in that country is so great, that the question ought to be speedily settled by legislation; and that no persons in Scotland would oppose such a settlement, save Chartists, Socialists, and those who are anxious for disorder and revolution. I trust we shall be able to settle the question in such a way as may prevent those painful discussions which must otherwise take place in both Houses of Parliament.

Petition read, and ordered to lie on the table.

The DUKE of RICHMOND. — My Lords, I have to present twenty-five petitions against the present law of church patronage, and the intrusion of unacceptable ministers; from the congregation of Renfield Church, Glasgow, — from the minister and members of the Presbyterian Church of Galway; from heritors, ministers, elders, and others of Blantyre; from members of the congregation and inhabitants of Wellpark; and West parish, Airdrie; from the Presbytery of Dunoon, and Forres; from individuals belonging to John Knox's Church and parish, Aberdeen; and from inhabitants of Callander; Dundonald; North Renaldehaye; Banff; Boindie, and Aloah; Alves; Arngask; Glammis; Cummertrees; Ladyloan; Rathven; East parish of Airdrie; Dyke; Rhyme; Dallas; Fordyce; Inveravon; Sanday; Inchture; Tomintone; Edinkillie; Rothes; Brechin; Rosemarkie (including the royal burgh of Fortrose); Camlachie; Monzie; Rafford; Forque; Rothiemurchus; Inverness; Irvine; Old Kilpatrick; Enzie; Kilwinning; Errol; Kilmaurs; Lochmaben; Monteith; Deskford; Mortlach; Symington; and Melville. I can confirm the statements which have been made as to the extent and intensity of the ill-will which prevails on this subject; and I beg to ask the Noble Viscount (Lord Melbourne), whether it is the intention of Her Majesty's Government to adopt any measure, speedily, for reconciling these grievances? I have, also to present a petition from Rothes, which is the only one I have received, complaining of the conduct of the General Assembly in suspending ministers for obeying the civil law.

VISCOUNT MELBOURNE. — I cannot say, as the Noble Duke wishes me to do, that I will immediately introduce into Parliament a measure to remedy these grievances. But I must remark, that the Government are as much aware as the Noble Duke is, of the great extent of ill-will which has grown out of these questions; and the whole subject shall have their immediate and most serious attention.

The EARL of HADDINGTON. — I understood my Noble Friend on the cross bench, to remark that the twenty-five petitions, all of them, complained of the conduct of the General Assembly. In conclusion, however, the Noble Duke said, the last one, only, was against it. I understood him so, and perhaps other Noble Lords did. It may be as well, therefore, to give an opportunity for explanation.

The DUKE of RICHMOND. — What I intended to say was, that the twenty-five petitions were in favour of non-intrusion. While I am on my legs, I will take the opportunity of saying, that I am happy to hear the matter is under consideration. I hope that the assurance will go forth, and that the people of Scotland will receive it in a kindly manner, and that it will put an end to the dreadful excitement which prevails; otherwise it will become most dangerous to the Church, and to every one possessing property in that kingdom.

The EARL of HADDINGTON.—I am quite sure that the Noble Duke has spoken correctly. I perfectly concur with him in thinking that the excitement now prevailing in Scotland is much to be deplored; but it ought to be remembered, that it was produced by the conduct of the Commissioners of the General Assembly, who suspended a majority of a whole presbytery from all spiritual functions, because they declared they would obey the law as expounded by the Supreme Court. That excitement did not arise from the interference of the civil court; that court did not at all interfere, until it was called upon to interpret, and put the law, as declared by this House, in force; and, accordingly, it has interdicted any interference in the parishes of the seven clergymen. Those unfortunate gentlemen have had their motives and conduct grievously misrepresented; their conduct has been loyal and peaceable, and they are well deserving of the sympathy, regard, and support of all peaceable and well-thinking persons.

The EARL of MINTO. — My Lords, considering the great importance of this subject, and the excitement which prevails, I would submit to the Noble Earl the propriety of abstaining from discussing the question of non-intrusion at the present moment. I think it would be better to wait until the measure is proposed; and I trust I am not too sanguine in hoping that it will be such a one as will put an end to the excitement so unhappily prevailing in Scotland.

The EARL of HADDINGDON. — My Lords, I entirely agree with the Noble Earl. I did not rise to express my opinion, but merely to state what were the true bearings of the case. I should be extremely sorry to enter into the details of the measure; but I had an anxiety to set the conduct of the seven clergymen in its proper light.

The EARL of GALLOWAY. — I do not wish to say one word as to the merits of the question; nor would I do anything to increase the excitement which now unhappily prevails upon it. I believe that excitement has mainly arisen from the great tardiness of the Government in doing its duty.

The EARL of ROSSE. — In my opinion, Her Majesty's Ministers are quite justified in abstaining from active measures on this matter until they have had full opportunity for consideration.

The EARL of ABERDEEN.—Although I think there might have been time found, since last summer, for a full consideration of this question, I still hope that nothing will be done without due consideration; as precipitation might be most injurious. To show my unwillingness to enter into the subject at all, I will not advert to the few words of my Noble Friend, which, though few, I do not wholly agree with.

The EARL of ZETLAND, the EARL of ROSSE, the EARL of MINTO, the MARQUESS of BUTE, and the DUKE of SUTHERLAND presented petitions in favour of non-intrusion, — from Jedburgh; Stromness; Dreghorn; Cromdale; Galashiels; Kirkgunzeon; Boindie; Kinnethmont; and Stonykirk.

SCOTCH CHURCH PATRONAGE.

The DUKE of RICHMOND presented a petition, praying that some measure may be adopted for settling the question of Scotch Church patronage, — of parishioners of the parish of Knockand, and county of Moray. — Read, and ordered to lie on the table.

CATHEDRALS.

The BISHOP of EXETER presented a petition, praying that the endowments of cathedrals may be protected, and that religious education may be promoted, — of members of the Ilchester deanery board of education, in the diocese of Bath and Wells. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (COLONIES).

The BISHOP of LONDON presented a petition for protection of, — of the minister, churchwardens, and others, of Cheltenham. — Read, and ordered to lie on the table.

FOREIGN AGRICULTURAL PRODUCE.

The EARL of GALLOWAY presented a petition of the Guildry Incorporation of Dundee, praying that the importation of foreign agricultural produce may be permitted, duty free. — Read, and ordered to lie on the table.

CORN LAWS.

The EARL of ROSSE and the EARL of MINTO presented petitions, praying for the repeal of, — of the workers at Claverhouse bleachfield, and Douglas bleachfield; and of inhabitants of Pittenween; Coupar Angus; Jedburgh; Perth; Auchterarder; and Hawick. — Read, and ordered to lie on the table.

CHURCH EXTENSION.

The BISHOP of EXETER presented a petition in favour of, — of the clergy of the deanery of West Looe, in the county of Cornwall, and diocese of Exeter. — Read, and ordered to lie on the table.

CHURCH RATES.

The EARL of GALLOWAY presented a petition praying for the release of John Thorogood (a prisoner in Chelmsford gaol), and for the abolition of church rates, and of the criminal jurisdiction of ecclesiastical courts, — of Dissenters of Kettering; of Dissenters of Devonshire Square Chapel, London; and of Over Darwen and Auchtermuchty.

DISSENTERS.

Petition for relief, — of inhabitants of Over Darwen.

FIRE ARMS (IRELAND).

On the motion of LORD ELLENBOROUGH, Return of the number of persons who have registered fire arms at the several quarter sessions of the peace holden in Ireland, in the years 1837, 1838, 1839, and at the Hilary quarter sessions in January, 1840; distinguishing the number at each sessions, and the several periods and places at which the same were registered respectively. — Ordered to be laid before the House.

POOR LAW (IRELAND).

On the motion of the MARQUESS of WESTMEATH, copy of the several warrants of the Poor Law Commissioners constituting the union of Kells, in the county of Meath, the union of Old Castle, in the county of Meath, and the union of Mullingar, in the county of Westmeath. — Ordered to be laid before the House.

ECCLESIASTICAL COMMISSIONERS (IRELAND).

Report of, for the year 1839, laid on the table by the MARQUESS of NORMANBY.

SELECT COMMITTEE ON THE PETITION OF THE EAST INDIA COMPANY PRAYING FOR RELIEF.

The Viscount Strathallan added to the Committee; and the evidence taken before the Committee from time to time to be printed, for the use of the Members of this House; but no copies to be delivered, except to the members of the Committee, until further order.

On the motion of the MARQUESS of LONDONDERRY, summons of the Lords for to-morrow, discharged: (to present a petition from Londonderry, relative to Municipal Corporations (Ireland).

SULPHUR TRADE WITH SICILY.

LORD LYNDHURST. — My Lords, I have been requested to present to your Lordships a petition respecting the commercial relations of this country with Sicily, and in particular as far as these relate to the sulphur trade carried on with that country. The petition is signed by several merchants of the city of London. From communications which I have received, I did expect similar petitions from Liverpool and Glasgow; but owing to some accidental circumstances, those petitions have not yet reached me. The subject is one of considerable importance, not only to the petitioners in particular, but also to the manufacturing concerns of this country. The Noble Viscount, three nights since, said that he had reason to suppose that many statements would be made, in the present Session of Parliament, with respect to the condition of our commerce. Whether that arose from any consciousness that the commerce of this country has not been sufficiently protected, I shall not stop to inquire; but I beg to observe, that these petitioners come before your Lordships with no political or party view; but that they petition the House solely with the desire of obtaining compensation and redress for the losses and injuries which they have sustained in relation to the subject-matter of the petition. Your Lordships are no doubt aware that, in consequence of modern discoveries in chemistry, the article of sulphur has become one of great importance to the principal manufactures of this country. In the course of eleven years preceding 1837, its importation into this country increased eleven fold. In 1826, we imported about 4000 tons; and in 1837, the importation had increased to the enormous amount of 44,000 tons. From this fact your Lordships will be able to estimate the immense importance of this article to our manufactures. Your Lordships are also aware that nearly the whole of the importation is from the island of Sicily. Sulphur is found in other places; but it is procured in such large quantities in Sicily, and it is, there, of so easy access, that almost the whole supply is derived from that island. In the year 1816, a commercial treaty was entered into between England and Sicily; and by the stipulations it was provided that ample protection should be afforded to British subjects and British property; "that British subjects should, without any let or hindrance whatever, be allowed, at their free will and pleasure, to dispose of their property; that they should be treated as the subjects of the most favoured nations; and that no duty, tax, or impost should be levied on them beyond the duties, taxes, and imposts levied on the subjects of the most favoured nations." These were the stipulations in that well-known treaty. In consequence of that treaty, and the faith and reliance which were placed upon it, the merchants of this country have embarked a very large capital in the sulphur trade with Sicily. They have taken leases of the mines in that island, and they have established machinery, at a very large expense, to increase the supply of the article. In fact, they have created a trade; and up to the year 1838, it was carried on with the utmost advantage to those concerned in the trade, and to the manufacturing interests of England. These proceedings continued till the month of July, 1838. Then, for the first time, it was announced by the Sicilian Government that they had granted a monopoly of this important article, not to the French Government, not to the French nation, but to a number of French adventurers, at the head of whom was a person named Phillippe. By the terms of this monopoly, the stipulations of the treaty to which I have referred are directly violated. By one of the terms of the contract, it is provided that no greater quantity than a certain stipulated amount of sulphur shall be exported from that country by British or other subjects. The object of this stipulation is too obvious to require comment. How these parties obtained an influence over the Neapolitan Government sufficient to induce them to make a stipulation so disadvantageous to the interests of England, and to the interests of the Neapolitans themselves, it is not for me say. We know enough of the manner in which these transactions are carried on, to be able to form some opinion, and, perhaps, a correct one, on the subject. But the advantage which was given to the French was enormous; for, at the time, an immense quantity of sulphur had been imported into France, which was being sold at a loss; and, in consequence of this prohibition, the price advanced, and that which had before been a losing trade, became a very advantageous one, at the expense of British interests. But this was a direct infraction of the treaty; because by that treaty every British subject was allowed to dispose of his property without any let or hinderance whatever. This prohibition was directly in the teeth of that provision. It has been suggested, that the limitation was made for the general benefit of the trade. That suggestion, however, can hardly be supported; and for this reason, namely, that these monopolists are not bound at all by the limitation. They may export to any amount, one third of the proceeds of the quantity sold beyond the stipulated amount being paid to the Sicilian Government. Therefore they can at all times pour into the market that quantity which will best suit their own interests, and most injure the interests of British subjects. But this is not the only circumstance which has made the grant of this monopoly a direct infraction of the treaty. By another article of the contract with these monopolists, no person is allowed to sell in the island any sulphur except to the French contractors. There is this limitation, that British subjects and others may, if they think proper, instead of selling to the contractors, export for their own benefit, and at their own instance; but then the contract says, if they do so, they must pay a duty which would amount almost to the cost price of the article, and to twice the amount paid by the monopolists. This is another violation of the treaty — of the stipulation which says that no duty, tax, or impost shall be paid by British subjects beyond those paid by the subjects of the most favoured nations. Here, then, are two distinct infringements of the treaty to which I have referred.

But there is another circumstance of which the petitioners complain, and by which they have sustained great loss. The contract establishing the monopoly came into operation one month after it was announced. Having been announced in July, it came into operation in August. The consequence of this was, a great increase in the price. Many of the British merchants had contracted to furnish the article at a certain price; and if they had then been compelled to do so, it would have been their ruin. I have been informed that twenty-four British ships, which went to Sicily for the purpose of conveying sulphur to England, have been obliged to return home without cargoes. The consequence of all this has been, that the sulphur trade—one of so much importance to England and to Sicily—has almost been put an end to. It is true, that the parties still hold their property, and that their mines are still worked; but at a loss, and the trade is substantially at an end. The price of the article is now double what it was in 1837; and, in consequence, the manufacturers of this country are obliged to have recourse to all kinds of expedients to obtain a substitute for the high-priced article from Sicily. My Lords, your Lordships will naturally suppose that this has created a great outcry, and remonstrances from the British residents in Sicily. The Sicilians themselves have complained; for the effect of the monopoly has been, to throw a great number of the native labourers out of employ; and I am told, that the excitement at one period was such, that, if a single British man-of-war had appeared on the coast, an end at once would have been put to this monopoly. But what has been the course adopted by the British Ministry? A Mr. Macgregor was sent out; and that gentleman has now been engaged eighteen months in negotiation, and, hitherto, without any practical result. The monopoly still continues; the trade is still stopped; and nothing, in effect, has been done to remove these evils. My Lords, I have been informed that some treaty was actually signed towards the close of last year. Why that treaty has not been ratified, I have no means of ascertaining; but I am happy to see a Noble Friend in the House, who, I believe, was, during the negotiations, resident at Naples, being then a member of the Government; and he, no doubt, will be able to give some satisfactory intimation on the subject. The object of the petitioners is, to call the attention of the House and Her Majesty's Government to the matter. They state that they have a right to be protected; and that they have a right to call on Her Majesty's Ministers to see that justice is done them. They also feel that they have a right to call upon Her Majesty's Ministers to insist that compensation be awarded them for the losses they have sustained, and redress for the evils of which they complain; and it is with this view, and with these objects, that the petitioners have requested me to present the petition. My Lords, I move that the petition be now read.

" The petition having been read by the clerk at the table,—

VISCOUNT MELBOURNE said:—My Lords, the whole facts connected with the question to which the Noble Lord has called the attention of your Lordships; the treaty which exists between this country and the Two Sicilies; and the obligations entered into, under that treaty, by the Governments of the two countries; and the whole transactions relative to them,—with the exception of some slight inaccuracies in the latter particular—have been stated with perfect justice, candour, and fairness, and without any exaggeration, or any too high colouring, by the Noble Baron. The Noble Baron inferred, that my observation, some time ago, " that we should have many commercial discussions during the Session," arose from a consciousness on my part that that portion of the policy of the country—that those duties—had not been attended to by us. Now, my Lords, my remark arose from no such idea. I had no such notion. It arose, solely, from the importance, frequently acknowledged by me, of such subjects, and of the benefit arising from their free and open discussion; and it also arose from the number of the motions now entered on the books of the House, and from the discussions which have already taken place on such subjects in this and the other House of Parliament. My remark arose from no such shadowy and spectral feelings as those attributed to me by the Noble Lord. The Noble Lord, too, has adverted to the influence by which this sulphur monopoly—which he has described so minutely that it is quite unnecessary for me again to state it to your Lordships—was obtained. It certainly is a monopoly in favour of the inhabitants of France; but it was not obtained by the present Government of France, nor by the present reigning power of that kingdom. My Lords, I will only say, in the next place,—as the Noble Lord stated correctly,—that the monopoly is not now a subject of treaty or negotiation. We have always thought that the infraction of the law of 1816, and the direct and open violation of the two articles, were not matters to be treated of, or on which negotiation would be proper. But we have thought the proper course to pursue would be, for the Government of this country to call upon the Government of the Two Sicilies for the fulfilment of the engagements entered into by them, and by which they are strictly bound. This is the view which we have taken of the matter. A strong remonstrance, at the time, was made against this monopoly by our minister at Naples; and, in August last, a verbal promise was given by that Government that the monopoly would be abolished and departed from. That statement was made; but it has not been attended to, and the fulfilment of the promise has not yet been accomplished; and it is now left to the Government of England to demand that fulfilment, and to demand, also, on behalf of the subjects and merchants of this country embarked in the trade, that protection which is most unquestionably their right.

The Noble Lord said that we had resorted to negotiation, and had sent Mr. Macgregor to make arrangements and negotiate on the subject. Now, the facts connected with this part of the case are these: — This is the only passage in which the Noble Lord, during the course of his statements, fell into some inaccuracies. In the summer, we understood that the Government of Naples was favourable to some new arrangement respecting commercial matters. It is not necessary to state what we understood to be the particular changes contemplated; but it will be sufficient, generally, to state, that the basis of this new arrangement was to be, an entire alteration of the tariff — of the import and export duties levied on the goods of this country. Now, Mr. Macgregor was sent by us to know what was the proposed reduction in the tariff, — to settle with the Government of Naples what reduction was to be made in the duties on our commodities. This was the sole object of Mr. Macgregor's mission to Naples. Unquestionably that gentleman — no doubt actuated by the best intentions — went farther, and entered into the treaty alluded to by the Noble Lord and the petitioners, whose case he has brought forward. In the steps which Mr. Macgregor subsequently took, he acted without the authority of his Government at home. It is unsatisfactory, no doubt, that by these means Mr. Macgregor should have made that a matter of treaty which ought not to have been thus treated. The Government, holding this view of the question, and holding it to be their duty not to negotiate at all on the question, did not think fit to ratify the treaty thus entered into. Mr. Macgregor is a gentleman of great talent, ability, and experience; and there can be no doubt that he acted with the best intentions. He, however, did that which he was not authorised to do, not being at the time in the possession of the feelings of his Government on the subject. The Government thought that it was fit that they should take decided measures on the question; and therefore the strongest remonstrances have been sent out; and it has been intimated to the Sicilian Government that we shall insist on the strict fulfilment of the treaty.

LORD LYNDHURST. — Let me remind the Noble Viscount, that eighteen months have elapsed since the infraction of this treaty. Now, during that time, what act has been done, or what steps have been taken, to procure indemnity for the merchants? The amount of loss has been fearful. It has amounted to 1000*l.* a-day, at the lowest estimate. Surely this calls for prompt and decisive measures.

VISCOUNT MELBOURNE. — The Noble Lord asks what acts have been done? Why, no act has yet been done; but he must remember that we had a promise from the Government of Naples, which it now rests with that Government to fulfil.

LORD LYNDHURST.—Does the Noble Viscount know that they insist on a continuation of this monopoly for six months, from January last?

VISCOUNT MELBOURNE.— I have not heard that.

LORD LYNDHURST. — Something ought to be done. Six line-of-battle ships sent from Malta to Naples would settle the matter in a fortnight.

The petition was then ordered to lie on the table.

CHURCH BUILDING ACTS AMENDMENT BILL.

Read a second time (according to order), and committed to a Committee of the whole House on Monday next.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

In the following cases, Bills were severally presented, and read a first time, and ordered to be read a second time; that is to say, —

Billinghay Fen Drainage Bill, —"For the more effectual Drainage of certain Lands, called Billinghay Fen, Billinghay Dales, and Walcot Fen, Walcot Dales, and North Kyme East Fen, and Ings, in the Parishes or Places of Billinghay, Walcot, Dogdike, Hart's Grounds, Coningsby, Swineshead, North Kyme, and South Kyme, in the County of Lincoln."

South Eastern Railway Deviation Bill, — "To alter and divert a Portion of the Line of the South Eastern Railway, in the County of Kent."

Saint Harmon Inclosure Bill, — "For inclosing Lands in the several Parishes of Saint Harmon, Nantmel, Llanyre and Llanvihangel Helygan, in the County of Radnor."

Glasgow, Paisley, and Greenock Railway Bill, — "To amend and enlarge the Powers and Provisions of the Act relating to the Glasgow, Paisley, and Greenock Railway, and to make certain new Branch Railways from the main Line, in the Towns of Greenock and Port Glasgow; and to establish a Ferry across the River Clyde, and to make other Works in connection with the said Railway."

Taunton Markets Bill, — "For amending the Powers and Provisions of several Acts relating to the holding of Markets in the Town of Taunton, in the County of Somerset, and to the Improvement of the said Town."

Taunton Roads Bill, — "For more effectually repairing several Roads leading from the Town of Taunton, in the County of Somerset, and for making several Deviations and new Lines of Road connected therewith."

Drainage of Lands Bill,—"For facilitating the Drainage of Lands in England and Wales." — Presented, and read a first time; to be read a second time on Monday next, and to be printed.

In the following cases, petitions for Bills were reported, and Bills severally ordered to be brought in accordingly; viz.: —

British Iron Company,—By Mr. George Palmer and Mr. Rundle.

Exeter Roads, — By Sir Thomas Acland and Sir John Yarde Buller.

Nottingham Lighting, — By Sir John Hobhouse and Sir Ronald Ferguson.

Kennet and Amesbury Road Bill. — Reported; Report to lie on the table.

North Union Railway Bill, — Reported; Report to lie on the table, and to be printed.

Railway Communication Committee. — Second Report brought up, and read. — To lie on the table, and to be printed.

Reports from the Select Committee on Standing Orders in the following cases were severally read, and Bills ordered to be brought in, as follows: —

Triplow Inclosure — (12th February), —By Mr. Townley and Mr. Yorke.

Bedford, Woburn, and Leighton Bussard Road—(14th February),—By Lord Charles Russell, Lord Viscount Alford, and Mr. Alston.

Liverpool Docks. — Report from Select Committee on Petitions for Private Bills (6th February), read.— Bill ordered to be brought in by Lord Viscount Sandon and Mr. Cresswell.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill. — Petitions against,— from Trustees of the Harbour of Ayr; magistrates and council of Prestwick; William M'Dowall; Alexander Murdoch; and Robert Wylie. — Referred to the Committee on the Bill; counsel ordered.

Andover Road Bill.—Petitions against, — from owners and occupiers of land and houses in Leckford; and Longstock.—Referred to the Committees on the Bills; counsel ordered.

Chester and Crewe and Grand Junction Railways Consolidation Bill.—Petition from Chester, in favour.—To lie on the table.

Manchester and Salford Junction Canal Bill.—Petition of the company of proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway, in favour.—To lie on the table.

CANTERBURY PAVEMENT.

Order for consideration of petition from Canterbury (presented 28th February), read.—Report from Select Committee on Standing Orders (12th February) read.

SIR EDWARD KNATCHBULL.—I rise to move, that the commissioners of pavement of Canterbury—who obtained leave to introduce a Bill to amend the Paving and Lighting Act for that city, passed in the 27th year of Geo. III., which renders it imperative on them to make an annual rate of one shilling and sixpence in the pound upon the annual value of all rateable property within the city, which rate produces a larger sum than they require, for the purposes of the Act—that, as they pray, under these circumstances, they may be allowed to proceed with the Bill, notwithstanding that the General Committee on Standing Orders have reported that the Standing Orders have not been complied with. Of course, unless the House interpose its authority, the Bill cannot proceed; and I certainly think this is a case in which it may justly so interpose. It seems to have been entirely through inadvertency that the Standing Orders were not complied with in this instance; and, inasmuch as great injury will be done to the ratepayers of Canterbury (on whom the expense of a new Bill will fall) should the measure now before us not be carried forward; whilst, on the other hand, no party can, in any degree, suffer, by allowing it to be proceeded with; I do trust the House will consent to the motion.

Mr. BRADSHAW.—I have great pleasure in seconding the motion. I hope the House will not inflict a grievous hardship on the ratepayers of Canterbury, because these commissioners or their agents have been betrayed into an error through inadvertency. It is clear, that no injury can accrue to any party by allowing the Bill to proceed; while much inconvenience, expense, and delay will be avoided.

Mr. GREENE.—I feel it my duty to oppose this motion. It is one in principle similar to that which was made a few evenings ago, in the case of the Ardwick Improvement Bill; and which the House refused by a very decided majority. In that case, there was no doubt that the omission to comply with some of the Standing Orders had happened through mere inadvertence; and, probably, such is the fact, too, in the present instance. But there is this difference between the two cases,—that, in this one of Canterbury, the parties promoting the Bill have not complied with a single "Standing Order." Under these circumstances, I trust the House will see that this is not a case in which it ought to interpose its authority, to dispense with the orders.

SIR GEORGE STRICKLAND.—Sir, I am sure the House will do me the justice to believe, that I would not, on slight grounds, support the suspension of any of the Standing Orders relating to Private Bills; but I do think the present case is one in which the House ought to interfere; as the Standing Orders Committee has not thought proper to exercise that equitable jurisdiction in the question which it undoubtedly possesses in such cases. If the House do not interpose, as it is prayed to do, much hardship will accrue to the parties interested in the Bill, to whom no blame whatever is fairly attributable.

Mr. ESTCOURT.—I agree with my Honourable Friend (Mr. Greene), that no case whatever has been made out to justify the House in acceding to the proposition of my Right Honourable Friend the Member for East Kent. As I stated on a former evening, when a somewhat similar case was brought under the consideration of the House, our "Standing Orders" will be worse than useless, if we are to have them dispensed with on every occasion where parties, by negligence, or other cause, have omitted to comply with them. Those Standing Orders were made for the protection of the public; and that protection will be altogether removed, if such motions as the present are complied with,—no good ground for that compliance having been stated.

Mr. BROTHERTON.—I supported the motion on a former evening for the suspension of the Standing Orders in the case of the Ardwick Improvement Bill; and I thought that a strong case was then made out why the House should accede to the motion. I do not think the present case so strong as that; but still I do think it is one in which, to avoid great individual hardship, this House ought to interpose its dispensing authority. I shall therefore support the motion.

SIR E. KNATCHBULL. — I would beg to call the attention of the House to the fact, that the parties promoting this Bill did not know that all the necessary Standing Orders had not been complied with, until they came before the Committee. The omission was altogether the result of inadvertence, which I trust the House will not visit on parties who are wholly innocent, but on whom the expenses that must be consequent on the rejection of the Bill, and the introduction of a new Bill at a future period, will inevitably fall.

SIR THOMAS FREMANTLE. — I must oppose this motion; for, if the House complies with it, it will be establishing a very dangerous precedent. My Right Honourable Friend (Sir Edward Knatchbull) says, that the circumstance of this Bill being allowed to proceed will injure no party; but that great inconvenience will arise from its rejection. I should be sorry for any such result; but it is really a result on which all parties must calculate, when they fail to comply with the rules which the House has laid down for the regulation of these matters. Besides, I understand that there is an opposition to the Bill, which makes the observance of the Standing Orders still more necessary.

The House then divided upon the question, "That the commissioners for the Canterbury pavement be allowed to proceed with their Bill:" — Ayes 5, Noes 54; Majority 49.

AYES.

Alsager, Captain
Christopher, R. A.
Jones, Captain
Sandon, Lord Visct.
Strickland, Sir G.

Tellers.

Bradshaw, J.
Knatchbull, Rt. Hon. Sir E.

NOES.

Alston, R.
Bagge, W.
Baring, H. B.
Bethell, R.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Buck, L. W.
Clive, E. B.
Clive, Hon. R. H.
Duncombe, T.
Easthope, J.
Fielden, J.
Fitzroy, Lord C.
Forester, Hon. G.
Fort, J.
Gaskell, J. M.
Gisborne, T.
Greene, T.
Greg, R. H.
Grey, Rt. Hon. Sir G.
Grimston, Lord Visct.
Henniker, Lord
Herbert, Hon. S.
Holmes, Hon. W. A'Court
Holmes, W.
Hurt, F.
Kelly, F.
Langdale, Hon. C.
Lockhart, A. M.
Lowther, J. H.
Milnes, R. M.
Ord, W.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Planta, Rt. Hon. J.
Price, R.
Pringle, A.
Rae, Rt. Hon. Sir W.
Salwey, Colonel
Sibthorp, Colonel
Slaney, R. A.
Stanley, Lord
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Turner, W.
Vigors, N. A.
Wall, C. B.
Warburton, H.
Wilde, Mr. Serjeant
Wood, Sir M.

Tellers.

Estcourt, T.
Fremantle, Sir T.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

The Honourable Edward George Granville Howard, for Morpeth.

COMMITTEES.

Leave given to all Committees to sit this day till four of the clock, during the sitting of the House.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Elective Franchise and Municipal Corporations (Ireland), — By Mr. O'Connell, for extension and reform, — from Kilkerrin; Moyris; Athenry; Kilbeaconty; and Abbygormican and Killoran.

Church Rates, — By Mr. Alston, for abolition, — from Royston.

Church of England, — By Mr. Halford, Lord Stanley, Sir R. Peel, and Sir T. Fremantle, for extension, — from Leicester; Cottingham; Little Ashby; Rufford; Hartington; Stanton by Bridge and Swarkestone; Smisby; Stony Stanton; Dunton Bassett; Hartshorne; Kedleston; Tingewick; Norton and Lenchwick; Hatch Beauchamp; rural deanery of Manlake East of Trent; and Carshalton.

Spirits (Ireland), — By Mr. O'Connell, for enabling grocers to sell spirits by retail, — from Armagh.

Court of Chancery, — from Great Torrington, complaining of delay.

Designs Copyright Bill, — in favour, — from Alexander Smith; and Hector Sanderman.

Municipal Corporations (Ireland) Bill, — By Mr. Bucke and Mr. Plumptre, against, — from Fremington; and Hurstbourne Tarrant and Vernhams Dean.

Factories Act, — for inquiry into the workings of the Factories Act, — from Bury (Lancaster); and workmen employed by Messrs. Walker and Lomax.

Poor Law Act, — By Mr. Hurt, in support, — of the chairman and vice chairman of Belper union.

Maynooth College, — By Mr. A'Court Holmes, Mr. John Jones, and Mr. Plumptre, against further grant, — from Shalfleet; Arlingham; Fremington; Hurstbourne Tarrant and Vernhams Dean; Durham; and Llandovery.

Church Patronage (Scotland), — By Mr. Pringle, Sir T. Fremantle, and other Honourable Members, for alteration of the law, — from Glasgow; Aberdeen (six petitions); Dundonald; New Monkland; Hawick; Rescobie; Stonykirk; Lethendy and Kinloch; Monteith; Kilwinning; Ayr, &c.; Blantyre; Irvine and Fullarton; Galashiels; Selkirk; and Lymington (Ayrshire).

Inland Warehousing Bill, — by Mr. W. Patten, in favour, — from Runcorn.

Copyholds, — for the enfranchisement thereof, — of customary tenants of the manor of Cotherston and Hunderthwaite.

Corn Laws, — By Mr. Greg, for repeal, — from Backbarrow; Eccles and Barton; and Manchester.

Education (Scotland), — By Mr. Langdale, — of Richard Sinnott, complaining of persecution carried on against the children of Roman Catholics in some of the parochial schools of the county of Wigtown.

Ecclesiastical Duties and Revenues Bill, — from St. Bride, Fleet Street, suggesting alterations.

China, — from Darlington, for prevention of hostilities with that empire.

Roman Catholic Relief Act, — By Mr. Plumptre, for repeal, — from Ashley; and Whitchurch (Salop).

Flour Importation (Ireland) Bill, — against, — from Meath, Louth, and Drogheda.

Poor Relief (Ireland) Act, — of the chairman of the Tuam union, for admission of the public and the press to the meetings of the poor law guardians.

SALE OF BEER BILL (No. 2).

Bill, "to alter and amend the Laws relating to the Sale of Beer," presented, and read a first time; to be read a second time on Wednesday, the 18th of March, and to be printed.

CONTROVERTED ELECTIONS.

Order read, for resuming adjourned debate on question (28th February), "That the order for the attendance of panels, No. 1. and 2., on the 12th and 16th of March, be discharged." Question again proposed.

The SOLICITOR GENERAL — Having looked into the Act of Parliament since the House last met, it appears to me that the proper course to pursue will be to negative the motion of the Honourable Member for Newcastle, and to let the panels attend on the day named; when the General Committee may pass by the Ludlow petition, and without nominating any Committee for trying that petition, proceed to the nomination of the Committees for the trial of the cases lower down in the list. The section of the Act which seems to me to justify this view of the case, is the 30th section, which enacts, that in case a Member declines to defend his seat, thirty days' notice there shall be given in the *London Gazette*; and that, in the mean time, the proceedings shall be suspended, unless the petition of persons claiming to be admitted shall sooner referred to them. It then declares that in every case in which the proceedings in any petition, inserted in such list shall be afterwards suspended, the petition shall be struck out of the list, and shall be again inserted at the bottom of the list at the end of such suspension of proceedings. It is evident from this, that the Act contemplates a subsequent suspension proceedings. In the 52d section, which regulates the proceedings of the General Committee in the nomination of the Special Committee to be appointed to try any election petition, it is enacted, that the General Committee shall not, in any case proceed to choose a Committee to try any election petition until they have chosen a Committee to try every other election petition standing higher in the list aforesaid, the order for referring which shall not be then discharged, or in which the proceedings shall not be then suspended. In the present instance, the Committee have four election petitions to take into consideration on the 12th and 16th of March. The first is that of Ludlow; the question then is, whether the proceedings are not suspended in this case, under the provisions of the Act; and whether it would not be the proper course for the General Committee to pass that by, and to proceed to nominate the Committees in the other cases. By the 47th section, it is enacted, that the General Committee shall give three weeks' notice, in writing, to all the parties petitioning, as well as to the sitting Member, before it proceeds, in any case, to appoint a Special Committee to try an election petition. Until, then, the Committee shall have given the required notices, and until those notices shall have expired, I apprehend that the proceedings of the Committee are necessarily suspended; and as the notices in he Ludlow case have not been given as required by the Act, the General Committee is not in a situation so to proceed. By the 52d section, as I have stated, the General Committee are bound to nominate the Election Committees in the order n which the respective election petitions tand in the list, except in any case where he proceedings have been suspended; nd, as I conceive that, in the Ludlow case, he proceedings are suspended, for the easons I have stated, I think the General Committee should pass that case by, and roceed to nominate the Committees in the ther cases. In truth, the question whether this petition in the "Ludlow" case an be placed at the bottom of the list, or whether the petition can be passed by, , practically, the same. The question, herefore, comes to this: — Are we to suspend the proceedings on all the four ection petitions, because the General ommittee cannot nominate a Committee r the first? If I am correct in saying hat the Ludlow petition falls within the xception of the 52d section, the proceedings in the other cases ought not to e suspended. I do not believe the House in a situation to interfere, and that the eneral Committee must, on the day amed, pass by the nomination of the ommittee in the Ludlow case, and proceed to appoint the other Committees. I herefore see no reason why the Order of e Day for the attendance of the panels hould be discharged.

SIR WILLIAM RAE. — It may be considered presumptuous in me to offer any opinion in opposition to that of my Honourable and Learned Friend the Solicitor General; but having taken some pains to ascertain the meaning of the Act, I feel bound to declare that I cannot concur in the view taken of it by my Honourable and Learned Friend. It appears to me, that as the Ludlow petition was presented to the House last Session, it must be regarded as coming under the operation of the 93d clause, which enacts, that if, at the close of the present Session of Parliament there shall be any election petition or petitions before the House, the order for taking which into consideration shall not have been discharged, and for trying which no Committee shall have been appointed, such election petition or petitions shall be tried by a Committee, to be chosen under the provisions of this Act; and such petitions shall be referred to the General Committee of Elections before any petition presented in the next Session, and in the order in which they were presented to the House; and shall be treated as petitions on which the examiner of recognisances has reported that the sureties are unobjectionable; and the recognisances entered into on the part of the petitioners shall be taken to remain in force, for securing payment of all costs and expenses, &c. Now, under these last terms, it is clear that the petition cannot be treated as a petition the proceedings on which are suspended. A case in which the recognisances still remain fully in force cannot be described as relating to a petition on which the proceedings are suspended. The clause, however, distinctly states, that every petition of last Session must be taken before any petition of this Session. In the Ludlow case there are two petitions, the one against the return, and the other from certain electors, praying to be allowed to defend the seat of the sitting Member. The section of the Act which refers to voters admitted to become a party to the defence of the seat of the sitting Member, declares, that any person or persons claiming to have had a right to vote at the election to which the petition shall relate, to petition the House of Commons, praying to be admitted as a party or parties to defend such return, or to oppose the prayer of such election petition, and such person or persons shall thereupon be admitted as a party or parties, together with the sitting Member, if he be then a party against such petition, or in the room of such Member, if he be not then a party against the petition, and shall be considered as such to all intents and purposes whatever; and any such petition shall be treated as an election petition. It is very plain from this, that the petition must be treated as an election petition.. If this be so, it is equally plain, that it must be referred, under Clause 93., to the General Committee, before any petition of the present Session can be taken into consideration. The Committee must, therefore, take this petition into consideration before they proceed to the consideration of the Cambridge petition, which was presented during the present Session. The terms of the Act have not been complied with; although I think they ought to be complied with in the strictest sense; for the object of the Act was, to tie up the hands of the House of Commons. I apprehend that the case of the Ludlow petition cannot be dealt with as a case in which the proceedings are suspended. The only way in which it appears to me that we can proceed with safety is, to discharge the rules for taking into consideration the four petitions from Totness, Cambridge, Ipswich, and Ludlow, and to remit those petitions to the General Committee, who will deal with them in their proper order, taking the Ludlow first; but at such a period as will give time for the service of the notices required by the Act. The General Committee, then, are to suspend their proceedings when the sitting Member declines to defend his seat, and notice is to be inserted in the *Gazette*, giving the electors thirty days to come in and defend the seat; and in the mean time the General Committee are to suspend the proceedings. I think, however, it will be found that in no other case has the General Committee the power to suspend the proceedings on any election petition under the Act.

Now, in the Ludlow case, the proceedings never have been suspended by the General Committee. If the petition had been presented this Session, as the Cambridge petition has been, then the power to suspend would apply, and the 52d section would operate; but the present is not a case of that sort. Suppose a sitting Member declines to defend his seat against an election petition presented in the present Session, the 52d section will apply in that case, because the proceedings will have been suspended under the provisions contained in a former part of the Act. Under all the circumstances, therefore, inasmuch as the General Committee have not given the proper notices to the parties in the Ludlow election petition, I think it necessary that they should be given before the Committees proceed to try the other election petitions. The General Committee has, in my opinion,—although it is not expressly stated in the Act,—the power to fix other days for the nomination of the other Committees; and they will, of course, take care not to take any petition out of its regular order. There is no other course, in my opinion, which the House can pursue. The parties in the Ludlow case are entitled to notice; and it will therefore be necessary to alter the day fixed for the nomination of the Committee; and, so far as my humble judgment goes, I think it will be necessary also to alter the days originally fixed for the appointment of the remaining Committees, because the Ludlow case is not one which comes within the suspension contemplated by the 52d section, and must be the first proceeded with.

The ATTORNEY GENERAL.—Unfortunately, I was not in my place when the present discussion began; and I lost, therefore, the benefit of my Honourable and Learned Friend the Solicitor General's argument. I am sorry to say that I cannot recommend any course whatever for the House to pursue. In fact, it appears to me that the House is at a dead lock. Unfortunately, the House has parted with the jurisdiction which it possessed by the common law, and by the constitution of the country. When the Bill which has since passed into an Act was brought in by the Right Honourable Baronet the Member for Tamworth, I ventured to say, with great humility, that I thought it would have been much better to repeal altogether the statute 9 Geo. IV., and pass an Act to secure the payment of costs. That was all that the House wanted for the purpose of enabling them usefully to exercise a jurisdiction in the case of election petitions. That tribunal—namely, one for the trial of controverted elections — was a tribunal consisting of Members of the House of Commons, and was one as much constituted by statute as any court of conscience, or any borough court in the kingdom. It appears to me that the mode of proceeding which, by the 93d section of the Act, ought to be followed, with reference to election petitions has not been pursued in the case now under consideration; and I confess I do not see how the House can get out of the difficulty. The 93d section directly enacts "that all petitions of last Session shall be referred to the General Committee of Elections before any petition presented in the next Session, and in the order in which they were presented to the House." The 20th section admits voters to defend the seat of the sitting Member, and provides that their petition, praying to be so admitted, shall be treated as an election petition. I am afraid that, under these sections, at present, no legal Committee can be constituted for the trial of the Ludlow election. The petition against the seat and for the defence of the seat should both have been referred to the General Committee; and as the latter has not been referred, I fear that all the proceedings will be regarded as *coram non.* I regret exceedingly that the House has got into a position of such difficulty; nor can I see my way out of it except by fresh legislation.

SIR WILLIAM FOLLETT.—I should not have felt it necessary to offer any observations on the subject of this motion, if I could have brought myself to the conclusion at which my Honourable and Learned Friend the Solicitor General has arrived. The great weight which attaches to the opinion of my Honourable and Learned Friend induces me to say, that I think it right, so far as I am myself concerned, to express great doubts upon the propriety of the course which my Honourable and Learned Friend has recommended. I will therefore state what is my own view of the Act of Parliament. In the first place, however, I would remind the House of the facts of the case. The petitions against the returns for Ludlow, Ipswich, and Totness, were presented in the last Session of Parliament, and the Cambridge petition was presented in the present Session. In the last Session, the sitting Member for Ludlow gave notice to the Speaker that he did not mean to defend his seat. The consequence was, that voters applied to be admitted as parties to defend the seat, and an order of the House was made that they should be admitted accordingly. Now, under the 93d section, petitions presented last Session are to be referred to the General Committee of Elections before any petition presented in this Session; but the Ludlow petition had not been so referred to the General Committee before the Cambridge petition. Well, it appears that the General Committee are to give three weeks' notice of the day on which a Committee is to be chosen. Now, no notice at all has been given; and therefore the provisions of the 47th section of the Act have not been complied with. The petitions, again, are to be dealt with in the order in which they stand on the list; and the first on the list is the Ludlow petition. These are the facts. It appears to me that the 93d section never can operate so as to prevent the electors of Ludlow from being considered as parties to the petition. Then comes the question, What course shall be taken by the General Committee, and what power have they of nominating the Committees in the Ipswich, Totness, and Cambridge cases, before the Ludlow Election Committee? There are only two clauses of the Act which bear upon this part of the case. A list of election petitions has been made out by the General Committee, and at the top of that list stands the Ludlow petition. Now, the 52d section of the Act requires the General Committee to choose election Committees in the order in which the petitions stand on the list. So far, then, it appears that they cannot proceed to try the Ipswich, Totness, or Cambridge election petitions until they shall have nominated a Committee to try the Ludlow petition But then comes the exception in that clause, excluding election petitions in which the proceedings have been suspended. Now, the question is, whether this is a case in which the proceedings can be said to have been suspended? Upon a reference to the 30th section, it will be found that there are cases provided for, in which election petitions shall be discharged, or the proceedings thereon suspended; and that there are no other provisions in the Act of Parliament on that subject. We must, therefore, look to the 30th section of the Act, to see what are those provisions. Under the 30th section, it is enacted, that in every case in which any election petition shall be withdrawn, or the examiner of recognisances shall have reported to the Speaker that the sureties are objectionable, the order for referring such petition to the General Committee shall be discharged, and no further proceedings shall be had upon such petition. Now, if anything of that sort had occurred in the Ludlow case, the present difficulty would not have arisen. But I come now to the case of a suspension of the proceedings. That part of the clause runs thus: —

> And the General Committee of Elections shall suspend their proceedings in the matter of any petition referred to by any notice inserted in the *Gazette* as aforesaid, and shall not do anything therein until after thirty days after the day on which such notice shall have been inserted in the *Gazette*, unless the petition of some person or persons claiming to be admitted as a party or parties in the room of such Member shall be sooner referred to them.

I entertain the greatest respect for the opinions of my Learned Friend the Solicitor General, as well as for those of my Right Honourable and Learned Friend the Member for Edinburgh; but I differ from both of them on this subject. The Act of Parliament only gives us the power to refer the petitions to the General Committee. We have referred four petitions to that body; and I do not see what power we have to alter the arrangement of them. The House is now exercising a power which is restricted and defined by law; and I do not see how it can suspend its proceedings in this matter. If there were an indictment for perjury against any person who gave evidence before these Committees, and the Court of Queen's Bench were called upon to determine whether the Committee was duly constituted or not, the court, by the power confided to it by the law, must proceed to determine in the matter; and could that tribunal hold that this House had exercised its jurisdiction in the manner directed under the 93d section of the Act? We have made one reference to the General Committee, and I know not what power we have to make another, — to rescind that order and commence *de novo*. I regret the difficulty we are in; and I only feel the more strongly what I stated on a former occasion, that this House can never satisfactorily and beneficially exercise its right to determine election petitions, until all the Acts on the subject be repealed. All the House wants is, the power to award costs, by which its proceedings would be rendered independent of the courts of law.

SIR T. FREMANTLE. — I regret that the Honourable and Learned Gentleman does not approve of the suggestion of my Right Honourable Friend (Sir William Rae), which is, to consider all the previous proceedings as irregular; to discharge the order; and then to put ourselves regularly before the Committee again, according to the provisions of the Act of Parliament. The Honourable and Learned Attorney General says, that the House has already done what is required by the Act of Parliament, and that that cannot be undone, unless by legislative enactment. I do not agree with him. I think that the House has done things in connection with these petitions in such an irregular and informal manner, that they have not complied with the provisions of the Act of Parliament. On the whole, it appears to me, considering all the difficulties of the case, that the safest course which we can pursue is that recommended by the Right Honourable and Learned Member for Buteshire; which I believe differs but very little from that which the chairman of the General Committee proposes. I shall therefore support, in the first place, the motion for the discharge of the order of the panels; and then, that all proceedings under the petition shall be declared to be irregular.

SIR GEORGE GREY. — If all the proceedings in this case were held to be irregular, some inconvenience might, perhaps, result from it. Under all the circumstances, I think it will be sufficient if we adopt the suggestion of the chairman of the General Committee. I do not agree with the Honourable and Learned Member for Exeter, that the 52d clause of the Act raises a bar to the course proposed by my Honourable and Learned Friend the Solicitor General. That clause merely prescribes that the Committees shall be taken as they stand on the list. Then the question is, What is the order in which they now stand? I believe that the Committees may now be considered to have changed their places, and that the Ludlow Committee may be regarded as the last on the list. I think the General Committee has the power so to displace them. I should have thought that the notice in the *Gazette* was a sufficient intimation to the General Committee, that the sitting Member did not intend to defend his seat; but that that would be done for him by certain electors of Ludlow. They, however, have presented a petition to the House, and the House, in violation of the direction of the Act, has neglected to refer that petition of the defenders of the seat to the General Committee. Now, it appears to me that we may consider that petition as constituting a case which is provided for by the 30th clause; which states, that in every case in which the proceedings in any petition inserted in such list shall be afterwards suspended, the petition shall be struck out of the list, and shall be again inserted at the bottom of the list, at the end of such suspension of proceedings. If the notices could have been served in time, it would not have been necessary to have any delay; and it would have been impossible to allow the parties to suffer from the negligence of the House. I should be sorry to come to the conclusion of my Learned Friend the Attorney General; and I think the irregularity may be got over by adopting the course proposed by the Honourable chairman of the General Committee.

MR. KELLY. — Whatever difference of opinion may exist as to the questions raised on the occasion, we must all admit that it is of the last importance that a correct decision should be arrived at on the case now before the House; because if there should be any deviation from the statute, all the proceedings of the Committee will be void, and the most injurious and inconvenient consequences might follow. I cannot agree with my Honourable and Learned Friend the Attorney General, that the least difficulty is created by the operation of the 93d section of the Act, which refers to the election petitions remaining over from last Session. I think that the provisions of that section have been strictly, as well as substantially, complied with, and that, therefore, the proceedings are not, in any degree, irregular in that regard. That section merely requires that petitions pending at the close of one Session of Parliament shall be referred to the General Committee before any petitions presented in the next Session. That has been done in the case now under consideration. During the last Session, an election petition was presented in the usual way from Ludlow. It was referred, during the present Session, by the House to the General Committee; and that reference was made in due time, and in the proper order, that is to say, before the Cambridge petition, presented this Session. But it is urged, that another petition, which has been presented from the electors, to defend the election, was not referred before the Cambridge petition, and that, therefore, the proceedings are irregular; but, as I conceive, a petition by the electors is not an election petition, within the terms of the statute, at all. All I contend for here is, that that petition is not within the 93d section, which requires that election petitions, pending in the "then" Session of Parliament shall be referred to the General Committee in the order pointed out; that is to say, before any petition of the present Session. What has been done? There is, under the 20th section, a power given to refer the petition of electors to defend the election; but that section does not require that it should be referred before any election petition of the present Session. In the 30th section, as well as other parts of the Act, where the Legislature intended to point out, not merely election petitions (strictly so called), but petitions, which, under the Act of Parliament, are ordered to be admitted or considered as such, there, the word is expressly used. The 30th section, in referring to election petitions says, "and also all petitions hereinbefore mentioned, which shall be directed to be treated as election petitions." The 93d section requires that election petitions (strictly so called) of last Session shall be referred, during this Session, to the General Committee, before any election petition now presented for the first time. That has been complied with; because the Ludlow petition was referred before the Cambridge petition. The provisions of the Act, which require the petition of the electors to be referred, have also been complied with; because it has been referred, and is now legally and properly, according to my view of the Act, before the Committee. I therefore conceive that no difficulty at all arises under the 93d section, as to the legality of the proceedings under the Committee, either past or to come. I am quite unable to agree with the Solicitor General in his construction of these words of the 52d section,—"in which the proceedings shall not have been suspended." My Honourable and Learned Friend seems to construe the word "suspension," as if it were any sort of suspension that had become necessary by, or had taken place in, the proceedings of the General Committee. A meaning is given to the word by the 30th section; which provides, that where a petition shall be sent in by the electors, and that, in consequence of that petition, further time shall be necessary for the final appointment of the Committee, then the General Committee are desired to suspend their proceedings, in order to allow that time. But it is necessary to remember that here the General Committee have actually made the list; and, while that remains in force, the General Committee is bound by the 52d section to proceed with the petitions as they are named in that list. It is, therefore, not lawful to appoint any other Committee before that on the Ludlow petition. The greatest difficulty is, in the course to be now adopted. To appoint those Committees in the order in which they appear in the list, would be nugatory and erroneous. The General Committee cannot appoint the Ludlow Select Committee when certain parties, entitled by law to notice, have not received that notice. The important question then arises—What can now be done, consistently with the provisions of the statute? We are now called upon to consider, not what might have been expedient before the passing of the Bill, but what the Bill, now an Act, enjoins us to do. I think it is perfectly clear that the powers formerly possessed by the House have been, under the Act, transferred to the General Committee. There have been four election petitions referred to the General Committee; there has also been another petition, that for defending the Ludlow election: these petitions have all been taken, as I contend, in their proper order. Although the Act does not give any powers to the Committee, as respecting petitions of this class in particular; yet inasmuch as it has, according to my view of it, transferred to the General Committee the powers of the House, and as the House formerly possessed the power, in such cases, to enlarge the time or postpone the matter altogether, I conceive that this Committee must have similar and equally extensive powers. The Committee may dispose of the question in any manner that the House would have disposed of it previous to the passing of the Act. I apprehend that the General Committee has the power of rescinding the orders for referring these petitions to a Select Committee, or of making new orders, as to the time when they shall be so referred, and deferring the whole of the proceedings, so as to take the Ludlow, Ipswich, Totness, and Cambridge election petitions in the order in which they now stand. Every one must see that it is of the greatest possible importance that these proceedings should be strictly regulated by the terms of the statute. Under these circumstances, I cannot, in point of form, support either the motion or the amendment. I conceive the proper course will be, to leave it to the General Election Committee to do as they may think fit, after the suggestions that have been offered by the House.

LORD JOHN RUSSELL. — As I apprehend the question, the House is directed by the 93d section of the Act to refer to the Committee petitions which were before the House last Session; and that those petitions shall be referred before any petitions presented this Session. It appears, that the House has referred the petitions generally, and that the Act has been complied with in respect to all of them, except as to one, which has been since referred to the General Committee of Elections. I think the question is, whether the General Committee has any power, under the Act, of appointing days for the Committee to sit, and whether they can make any alterations in the order in which they stand? Now, as to the last point, I do not conceive that that order can be properly altered. With regard to their fixing days for sitting, I agree with the Honourable and Learned Gentleman who spoke last, that there is a general power given to the Committee by the 47th section of the Act from time to time to appoint days for sitting; but that section does not say, directly, that they may alter those days, or change the times of sitting. I think, also, as the Honourable and Learned Gentleman has argued, that as the House had formerly the power of rescinding its orders in such cases, and has now transferred its powers to the General Election Committee, that Committee can do so too. I do not deem it necessary that the House should interpose in this case. But as the chairman of the Committee has stated, if any notices are given other than those appointed by the Act, members of the panels might not be in attendance, and it might then be desirable for the House so far to interfere as to direct the attendance of the first and second panels on certain days. It therefore appears to me, on the whole, that the course proposed by the Committee is the right course to take; and that then the House will not interfere with the powers given to the General Committee under the Act. It is most desirable, when the Act intends that the Committee shall have certain powers, that those powers should be left to them; for I have no doubt that the Committee will attentively look to the directions of the Act, and be most anxious to comply with them.

SIR R. PEEL. — I am very confident of this, that if, to do effectual justice in this matter, it shall be found necessary to pass an Act of Parliament; rather than defeat that end, the House will proceed to the passing of such an Act as will put the parties in their proper position. I apprehend it was the intention of the House that the petition of the electors to defend the return should have been referred by the House to the General Committee; but, by some accident, that reference has not taken place. I quite agree with the Noble Lord, that, in point of prudence and policy, it would be better for the House to interfere as little as possible: but, in reference to what has been stated by the Honourable and Learned Attorney General, I beg to say, that the object of the Act was to take from the House the powers which they previously had in these matters, in order to prevent discussions of this kind, which necessarily involve party and political interests. In point of law, also, I think it is much more probable that the Committee have the power to give directions in this case, than the House, — not to alter the order in which the petitions stand, but — to postpone the whole the proceedings to such period as shall enable notices to be given with respect to the first petitions; so, indeed, as to allow notices in the case of the Ludlow election petition to be served. But the wisest plan for the House may be, to remove all the obstructions to the free course of the proceedings of the General Committee; and if the Committee shall afterwards find the interference of Parliament necessary, it will be in their power to make a special Report of that to Parliament; and the House may then consider whether an Act shall not be passed to remove the difficulty; but for the present, it appears to me that the motion of the Honourable Chairman of the Committee should be complied with, and that it should be left to the Committee to see whether they have not the power of finding a remedy for these proceedings. I therefore mean to support the original motion of the Honourable Gentleman, that the House shall rescind the order for the attendance of these panels, leaving it to the Committee, if they shall think proper, to make a special Report to the House on the subject; and for the House then to pass an Act, if necessary, for the purpose of rendering substantial justice to all parties.

Mr. GISBORNE. — I have a petition to present from Mr. Alcock, the sitting Member for Ludlow, in reference to the matter now under discussion, which I request may be read by the clerk, at the table. It has only just now been placed in my hands, and I have not made myself acquainted with all the arguments therein made use of in support of the prayer; but the petition, after reciting the circumstances of the case, goes on to state, that certain provisions contained in the 93d section of the Election Petitions Trial Act, have not been complied with in the case of the Ludlow borough election petition; and prays, that the petitioner may be declared duly elected to serve in this present Parliament for the said borough. I do not know whether I shall be in order in moving that the petition be now read.

Mr. GOULBURN. — The Honourable Member cannot do so, as there is already a question before the House.

Mr. SPEAKER. — The petition cannot be read until the question before the House is disposed of.

The question was then put from the chair, and the original motion was agreed to.

On the motion of Mr. GISBORNE, Mr. Alcock's petition was then read by the clerk.

Mr. GISBORNE. — I move that the petition be printed with the Votes.

Mr. WYNN. — I apprehend that the House cannot, without a violation of the Act, adopt any proceedings on the present petition; for, by the 21st section, it is enacted, that if any person has given notice of his intention not to defend the petition for his return, he shall not be afterwards allowed to appear or act as a party in any such proceedings.

The ATTORNEY GENERAL. — I entirely agree with the Right Honourable Gentleman opposite, that Mr. Alcock has no *locus standi* in the House; and I therefore think that the motion of the Honourable Gentleman cannot be complied with. I beg to express my concurrence with the Right Honourable Baronet the Member for Tamworth, that if it were found that justice could not be done without an Act of Parliament, an Act should be accordingly passed.

SIR G. CLERK. — After the clear exposition given of the Act by the Right Honourable Gentleman the Member for Montgomery, I doubt whether the petition is such as the House can receive.

Mr. SPEAKER. — As this does not appear to be an election petition, I apprehend that the Honourable Member is not entitled to call on the House to have it printed with the Votes; particularly as the Honourable Member does not give notice of his intention to bring it under the consideration of the House at a future day. I think the best course for the Honourable Member to pursue would be, to withdraw the petition.

Mr. GISBORNE. — I will, of course, Sir, comply with your suggestion, and withdraw the petition.

CHINA.

SIR J. GRAHAM — If the papers relating to China shall not be laid on the table of the House by the Government before Thursday next, I give notice that I shall, on that day, move for an Address to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the papers relating to the events which have led to the interruption of our commercial intercourse with China be laid before the House forthwith.

PRINTED PAPERS.

LORD J. RUSSELL. — I give notice, that, on Thursday next, I shall move for leave to bring in a Bill for the summary protection of persons employed in the publication of Parliamentary Papers.

PAPERS, RETURNS, &c.

Fresh Fruit. — On the motion of Sir Thomas Winnington, — Account ordered — "Of the quantity of apples, pears, plums, and cherries imported into the United Kingdom since the establishment of an *ad valorem* duty of *5l.* per cent. in 1838, distinguishing the number of bushels of each sort during each year, the duty paid on each sort during each year, and the country from whence imported (being a continuation of Parliamentary Papers, Session 1839, No. 229.)

School of Design. — Copies presented — of Reports made by William Dyce, Esq., consequent to his journey on an inquiry into the state of schools of design in France, Prussia, Saxony, and Bavaria, (Address 14th August, 1839).— To lie on the table.

Navy. — Return presented — of the number of seamen, marines, and boys employed during the year 1839 (ordered 25th February). — To lie on the table.

CORN LAWS.

Mr. BARNEBY. — Seeing the Honourable Member for Cambridge in his place, I wish to inquire of him whether he intends to bring forward his motion next week respecting the corn laws?

Mr. PRYME. — My course will be regulated, very much, by that of my Honourable Friend the Member for Wolverhampton; and until I know when my Honourable Friend intends to bring the general question under consideration, I cannot give a specific answer, with regard to my motion.

CONTROVERTED ELECTIONS (SERVICE OF NOTICES).

SIR G. CLERK. — With reference to the examination that took place at the bar, on Friday last, upon the subject of the Ludlow election petition, I think it would be desirable to refer the evidence then taken to the consideration of a Select Committee, in order that they may consider the subject, and report their opinion to the House, as to what manner the service of the notices, in future cases, can be made more secure. The General Committee, having to issue the notices, wish some directions to be given as to their more regular service; and it is quite clear, that if the House does not make some special order on the subject, many other similar cases of embarrassment will occur, from the careless manner in which those notices are now served. I shall give notice of a motion for the appointment of a Select Committee on the subject, to-morrow.

POOR LAW AMENDMENT ACT.

LORD JOHN RUSSELL. — I move that the Order of the Day for the House resolving itself into a Committee of Supply be now read.

LORD G. SOMERSET. — I wish to know from the Noble Lord the Secretary for the Colonies, when he proposes to bring on the measure, which he is understood to be preparing, on the subject of the poor laws? It would be very desirable that it should come on for discussion at an early period of the Session, so that due time may be given for considering its provisions.

LORD J. RUSSELL. — I hope to be enabled to bring forward the Bill to which the Noble Lord's question refers before the Easter recess.

INCREASE IN THE NAVY.

Mr. HUME. — I wish to state to the Noble Lord the Secretary for the Colonies, that though I objected to divide the House on the subject of the number of men for the navy; yet, in consequence of the information received from Constantinople and India, as to the conduct of the English Government in those parts, I deem it to be of the utmost importance, before half a million sterling is added to the estimates, that it should be understood why and wherefore that useless expense is to be incurred, and more especially, that we should know precisely what is our position with regard to the Eastern question, as it is called. I therefore beg to state, that, on Friday next, or on the bringing up of the Report of the Committee of Supply, I shall consider it to be my duty to call the attention of the House specially to this subject, and to point out, as clearly as I can, this fact; that it is the conduct of the British Government, which, by keeping up the war between Turkey and Egypt, has rendered necessary the large addition now proposod to be made in the expenditure of the country. When the Report of the number of men for the service of the year shall be brought up, I shall call attention to this subject, and require an explanation from the Government, of the principles upon which they have acted, in regard to this question.

LORD J. RUSSELL. — When that discussion shall be brought forward, I shall be prepared to show, that the conduct of Her Majesty's Government has very much tended to prevent the further prosecution of the war.

BOUNDARY QUESTION.

SIR R. PEEL. — I beg to ask the Noble Lord the Secretary for the Colonies, in the absence of the Noble Viscount the Secretary for Foreign Affairs, whether there will be any objection to lay on the table the papers relating to the negotiations that have taken place upon the subject of the boundary between the state of Maine and the province of New Brunswick? Extracts from the official papers, which have appeared in the public prints of other countries, and of the authenticity of which we know nothing, afford, at present, all the information that is to be obtained upon the subject; and unless the public service would be greatly prejudiced by laying the papers on the table, I think it would be much more dignified if the country were not left to collect from foreign newspapers the purport of the official correspondence that has taken place.

LORD J. RUSSELL. — The publication, in the foreign newspapers, to which the Right Honourable Baronet has referred, has taken place in consequence of the President of the United States having thought fit to submit the correspondence to the Senate of that country. I believe my Noble Friend the Secretary for the Foreign Department will have no objection to lay the papers upon the table; but, at the same time, I do not think the question is, at present, in such a state that it could properly be discussed in the House, inasmuch as the correspondence is still going on, and the instructions which have been issued are still matters of discussion between the two Governments.

COMMERCIAL RELATIONS.

Mr. HUME. — I wish to know whether it is the intention of the Government to lay on the table of the House, before the discussion on the corn laws, a Report of the information obtained at the recent meeting of delegates from foreign courts at Berlin? I understand the Report has been printed, and that some Honourable Members of the House have copies of it. It seems strange, if such is the case, that the Report should not have been produced, in order that we might have an opportunity of judging how far the corn laws interfere with the commercial relations of this country. As the discussion on the corn laws is fixed for the 25th, the document should be laid upon the table immediately.

LORD J. RUSSELL. — There is no objection to the Report being laid upon the table.

Mr. HUME. — We were told that nearly two months ago. I want the papers, and not a mere assurance that there is no objection to their production.

The Order of the Day was then read.

SUPPLY — NAVY ESTIMATES.

The House resolved itself into a Committee of Supply; Mr. Bernal in the chair.

Resolution proposed, "That a sum, not exceeding 602,610*l.*, be granted to Her Majesty, for defraying the expense of victuals for seamen and marines, for the year ending the 31st day of March, 1841."

Mr. HUME. — Before this vote is passed, I wish to ask the Right Honourable Secretary to the Admiralty what is the increase in the amount of the estimates consequent upon the rise in provisions; because that will be a question of great importance in discussing the corn laws on a future occasion.

Mr. O'FERRALL. — As I stated, in proposing the estimates, on a former evening, the increase is 18,000*l.*, in consequence of the additional number of men, and 23,000*l.* in consequence of the increase in the price of provisions.

Mr. WARBURTON. — I understand that a natural harbour has been lately formed on the coast of Dorsetshire, with twenty-five feet depth of water. I wish to know whether any steps have been taken to make use of that harbour?

SIR C. ADAM. — This is the first time I have heard of such a harbour. I will cause inquiries to be made whether or not the report be correct.

CAPTAIN PECHELL. — When the debate took place on the navy estimates, the other evening, I was prevented, by the lateness of the hour, from making some observations which I was anxious to address to the House in reference to the complements of our ships, and to other matters connected with the administration of the navy. I feel, therefore, compelled to trespass upon the attention of the Committee, for a few moments, on the present occasion. I have no scruple whatever in saying that I, for one, shall at all times support the principle of sending ships to sea with an efficient or full complement of men. I care not whether it be denominated "a peace" or "a war" complement; but I mean such a complement as shall enable a vessel to perform whatever service may be required of her, and to meet all the exigencies to which a ship of war is liable. I am very anxious, also, that, when cruisers are sent out to act in the suppression of the slave trade, they should have such complements of men as that, when they make prizes, they may not be compelled to accompany them into port; and thus to leave their cruising grounds, in the mean while, open. At the same time, I do not at all concur with the Noble Lord (Lord Ingestre), and the Honourable Member for Bristol, that our ships of war are, at present, so inefficient, that, should they come in contact with those of France or of Russia, it would be to the inevitable discomfiture and disgrace of Her Majesty's vessels. I believe, on the contrary, that there is not, in any part of the world, a British ship of war which is not only ready to meet any vessel of equal or superior force, but that would not come out of a contest with an enemy as triumphantly as at any previous period of our naval history. But, Sir, in saying this, I wish not to be understood as advocating the expediency of sending out ships with insufficient complements; and I do find that we vote, every Session, in the estimates, 2000 men more than we actually employ. Now, if these were actually engaged, the Admiralty would be enabled to fill up the complement of every ship in commission. I can state, from my own experience, that the smaller class of our vessels of war, especially the cruisers off the African coast, frequently suffer very severely from being sent out to sea with insufficient crews. I am not of opinion — and I believe I may add, that no Honourable Gentleman who hears me is of opinion — that the crews of the British navy are deficient either in courage or naval skill. I believe that never, at any former period, did a better spirit pervade the whole of that service than animates it at the present time; and I am quite sure that no feeling, on the ground of mal-administration of patronage, or neglectful treatment at the Admiralty, would have any effect in diminishing the high intrepid bearing and patriotic spirit of the officers and men employed in the service. I must, at the same time, acknowledge, that I think there are many improvements necessary, and to which the attention of the Admiralty should be immediately and earnestly directed. With regard to the condition of the officers, more especially of the subordinate classes, such as midshipmen and mates, I will not now further allude to their case, than to say, that much good is expected to result from the labours of the Naval and Military Commission now sitting, and whose Report is looked for with much anxiety. With respect to the seamen, it would be very desirable if some plan could be adopted, by which able seamen, who have left the service, should be not only permitted, but induced, to return to it. Then, as to those seamen who have been instructed, and are efficient in naval gunnery, I would suggest, that not only should every inducement be given to them to continue in the service, but that they should not be permitted to leave it. Again, I think that the establishment of boys, which is now 2000, might very properly, and with good effect, be increased to 4000 or 5000; and, if proper rewards and encouragements were held out to them, I am quite sure that there would be no difficulty whatever in obtaining, at a short notice, as many able stout lads as might be required. I offer these suggestion, in the earnest desire to see that noble service, in whose well-being the safety and prosperity of this country are so intimately bound up, rendered as effective as possible. But, however anxious I may be, as a naval officer, for the efficiency of the navy, I am not one of those who wish to increase our naval force beyond what the circumstances of the country require.

Mr. PLUMPTRE. — I wish, though an unprofessional man, to offer a very few words upon this subject. Comparing the navy of England with that of other powers, I must say, that, judging from all I have heard and read on the subject, I believe that the naval force of this country is by no means in a satisfactory state. And, so far as I am concerned, instead of objecting to a larger force than that of last year, I should have been willing to support a proposition, had it been brought forward, for a still larger vote than that which is now proposed. I do not think it at all satisfactory, dependent, as we are, on our navy for protection, that it should be, as I believe at this time it is, inferior to the naval force kept up by other great nations of Europe. I was glad to hear, in the course of the debate the other evening, that there was no apprehension, on the part of the Government, that the present peaceful relations between the great powers would speedily terminate. No one is more anxious for peace than I am; but can Honourable Gentlemen on the opposite side guarantee to us a continuance of peace for any length of time? And if not, I ask them, Are they prepared for a war, should it suddenly break out? It cannot be denied, that, in comparison with the navies of Russia and of France, England is far inferior to either, as regards ships in commission and ships upon the stocks. The information I have been able to obtain upon the subject of the disparity of our state of preparation for war, is as follows:—Nominally, we have 22 ships of the line; but, I believe, the effective force in commission does not really exceed 17. Then, we have only 9 frigates, which are of a very inferior size to those of other nations. Russia has 30 ships of the line, of which 16 are in the Black Sea, and 21 frigates. France, I believe, has nearly as many effective ships of the line as England; besides which, she has 17 large frigates France has, also, 25 large war steamers; while England has only 16. Here, then, is a vast difference in favour of France in this useful class of vessels. Again, France has on the stocks 26 ships of the line; while England has only 17. Of frigates building, France has 21 of 60, 50, and 46 guns; while England has only 10, and those of smaller calibre. France has, also, 13 large war steamers building; while England has only 7. This, I consider, is anything but a satisfactory state of things. Honourable Members talk of "the wooden walls of old England." Where are they at this moment? In point of fact, with regard to a naval force, the shores of this country are all but in a defenceless state. I wish that the letter of "The Flag Officer" to the Duke of Wellington had been more attended to by the Government; for I believe that that letter contains many suggestions, the adoption of which would be of most essential service to the country. I am fully sensible that the strength of our naval force, the bravery of our army, and even the wisdom of our councils, will avail but little without the blessing of Divine Providence; but I also feel, that we should be acting the part of madmen, if, trusting in that protection, we did not use the human means of effective national defence, and maintain our establishments somewhat on a scale corresponding with those of foreign powers.

LORD JOHN RUSSELL.—I cannot at all agree with the lamentations which have been uttered by the Honourable Gentleman who has just sat down, with respect to the weak and inefficient state of the navy. As a peace establishment,—and it is only in that light that I, or any one else, can now speak of it,—I believe the navy is, at this time, in a very efficient condition. A considerable sum is asked from Parliament; the Honourable Member for Kilkenny thinks it too large; my belief, however, is, that it is not too large; but of this I am quite confident, that it will be applied with great judgment and skill, to make the navy what it ought to be. I do not think it fair, in time of peace, to compare our present establishment with what it might be necessary to keep up in case of war. With respect to foreign powers, there can be no test of comparison, except in time of war. If, in time of war, we found our navy unequal to meet successfully the fleet of an enemy, to protect the commerce of the country, and to perform any other service that might be required of it, that would be a proof of its inefficiency; but, in peace, which I hope will long continue, there is no means of contrasting the efficiency of navies; and it is unfair to say that the naval force of this country is inferior to that of any other power, in point of efficiency. If, however, the calamity of war should come upon us, I feel confident that our navy will not be found inferior to what it has been at any former period. The Honourable Member for Kent has talked of the unprotected state of our coasts and harbours. Acting upon that Honourable Gentleman's suggestion, what would the Committee arrive it? France has a considerable fleet in the Mediterranean; it is not thought advisable that our fleet, there, should be unfit or unequal to protect British interests in that sea. Russia has 18 or 20, and sometimes—as was the case during the last summer, when the whole of the three divisions of the Russian fleet were there—even so many as 27 sail of the line in the Baltic. Are we, then, to have in our harbours, or on our coasts, a fleet equal to the defence of our shores, and in other places a force equal to what Russia might send out during the summer? Such an establishment, and in time of peace, would not only be most improper, but would be ruinous to the country: it would, in fact, be a war establishment kept up, not as if we were at war with Russia or France, or any other foreign power alone, but as if we were contending with them all at once, and that at a time when we were at peace with those powers, and when the negotiations which might be in discussion with those powers were in such a state as to afford every prospect of their being brought to an amicable conclusion. With every desire to keep up the efficiency of the navy, I cannot think it would be politic in the Government to enter into expenses so exceedingly enormous, that very soon the country would say, "Better have war at once, than keep up such armaments, and such a state of suspicion." Then, with respect to the manning, it has been said this year, as it was last, that we ought, at all times, to keep up a war complement of men in our ships. That is entirely a naval question, on which I will not pretend to give any opinion, further than what I have collected from those best able to form a correct judgment upon it. But the question to be discussed is — not whether we should keep up the same number of ships, and equip them all with the larger complement of men, which would enormously increase the estimate, but — whether it is better to have 20 ships of the line without the full complement, or 17 with the full force. I believe that the complement with which our ships are now manned is sufficient to make them effective for all the services that are required of them. In time of war, they may require a full complement; but I think the present complement amply sufficient for a time of peace. A full complement, no doubt, is necessary in cases of expected action with the enemy; but, even comparing the present complement with what it was at the beginning of the war in 1793, it will be found that it was then very little larger than what is now kept on the peace establishment. It has been thought advisable to change the form and class of some of the ships in commission; and, consequently, a different rate of complement has become necessary; but these alterations have been made with sufficient judgment, and with a view to maintain the efficiency of the force generally. A question was asked, the other evening, by an Honourable Gentleman opposite, as to the proportion which the number of men bore to the number of ships in commission. It is quite true that the number of men was proposed, not exactly as being fully sufficient to the number of ships in commission, but upon the consideration that some of those ships which were on foreign stations were about to be called home, and would be paid off; and that there would, consequently, be a reduction in the number of ships in commission. But this must, of course, be dependent upon the state of the political world, and the amount of protection necessary for our commerce and our colonial possessions. If it should hereafter be found necessary to keep up the whole number of ships now in commission, the Government might have occasion to come again to the House of Commons for a further grant. But the estimates, as proposed, have been framed upon the ground I have stated, — namely, that it would not be found necessary to continue the full number of ships in commission. This is the explanation, and the reply to the question of the Honourable Baronet, which I wish to give. If it should be thought necessary to keep up a larger naval establishment than that proposed, that is a question open to be discussed. Under the present circumstances, I do not agree that any such necessity exists; and much less can I admit that, in the present naval force of this country, there is any falling off, either in the efficiency of the ships, or in the skill and courage of the officers and men.

SIR G. CLERK. — I am happy to have received an explanation so satisfactory, as to what certainly appears to me a great anomaly in the estimates, — that is, the great difference betweeen the number of men and ships. I consider the Noble Lord's explanation to be the more satisfactory, inasmuch as it holds out a prospect to the country, that our relations with foreign powers are in such a state as will enable us shortly to reduce the number of ships which we have kept afloat during the last autumn, and up to the month of January in the present year. I am sure that the country will receive the Noble Lord's announcement with much pleasure, when they remember that his Noble colleague the Secretary of State for Foreign Affairs stated, not long ago, that the state of our negotiations in the East was such as could not lead any person to suppose that any speedy reduction in the amount of our naval force could take place, especially in the number of ships employed in the Mediterranean. Now, I am glad to be informed that many ships are about to be brought home and paid off, and are not to be replaced by others;

and I further understand, from the Noble Lord, that if it should be found necessary to continue the whole of those ships in commission, he will feel himself authorised to come down to the House of Commons, and require its sanction to a vote for an increased number of men, in order to enable the Admiralty to keep up the efficiency of the navy. And I trust, should the necessity arise, the Admiralty will not hesitate in calling for such an increase. I cannot, however, at all concur in the eulogy which has been passed upon that branch of the Administration by the Noble Lord opposite, with regard to the distribution of our naval force. The Noble Secretary for the Colonies should remember, that we have possessions requiring protection in various and distant parts of the world; and, looking at the extent of our colonial interests in North America and the West Indies, I certainly cannot agree that there is a sufficient force kept up in those seas to protect our commerce, and to prevent the recurrence of events similar to those of last year. Then, it is also essential to maintain a reserve force at home, which should be available in any sudden emergency that might arise. We have very recently experienced considerable inconvenience from the want of such a reserve, in the case of the differences with China. Although the Government was made aware of those differences as early as the month of July last, it was only in January the Admirality were enabled to send out a force to the Chinese seas; whereas, had there been a reserve of ships at home, immediate assistance might have been sent out. I think it might be very advisable to keep up a number of guard-ships, cruising in the Channel, and around our coasts; the crews of which would be thus kept in constant exercise, while the Government would have the means at their disposal of sending immediate assistance wherever it might be required. I am happy to admit, that the Noble Lord (Lord John Russell) has given a most satisfactory answer to my question, with respect to the anomaly in the estimates, in regard to the difference of the number of men, as compared with the number of ships in commission; and I should be at least as glad to hear some member of the Government give an equally satisfactory answer to the question that has been put by the Honourable and Gallant Member for Brighton, with regard to the number of boys employed in the service. The Committee will be aware, that it is usual to allow a certain number of boys to every hundred men employed. A proposal was made, some years ago, by my Right Honourable Friend the Member for Pembroke, which, by introducing boys, would, in a short time, have brought into the service a number of excellent and most efficient seamen. The proposal was, that 1000 boys should be kept constantly employed as supernumeraries; that number has since been increased to 2000, which are provided for in a separate vote. What I desire to know is, what number of supernumerary boys will be now kept up, besides those which are necessary, as forming a part of the complement of the ships? I am glad to hear from the Honourable and Gallant Member for Brighton, that there would be no difficulty in obtaining any number of stout active boys that the service might require. I hope, therefore, that the Admiralty will not lose sight of this most effectual means of providing efficient seamen for our fleets.

Mr. CHARLES WOOD. — Considering the importance of the subject, and the many observations which have been made during the discussions that have taken place on these estimates, reflecting upon that department of the public service with which, until recently, I have had the honour to be connected, — I hope I shall be excused for trespassing for a short time on the attention of the Committee. It was said, on a former evening, — and it has been repeated during the present discussion, — that the shores of this country are in a defenceless state, and that, when the necessity arose some few months ago, we had no force to send to China to protect our trade in that country. But it was not owing to any neglect on the part of the Admiralty that the ships destined for that service did not leave this country long ago. And, so far as relates to the defence of the shores of this country, I can affirm, with confidence, that when I left the Admiralty, they were better protected than at any former period. There were eight line-of-battle ships in commission, of which three were on the shores of this country, two at Lisbon, and the three guard-ships. These eight line-of-battle ships were within the immediate call of this country throughout the whole of the last summer. Then, with regard to what has been said as to the difficulty of completing the complements of the flag-ships, a doubt has been expressed whether this could be done from the ordinary. I can assert, that no difficulty whatever would be experienced in transferring, at twenty-four hours' notice, a sufficient number of men from the ordinary to complete the complements of those ships.

The Honourable Member for East Kent and others, resting upon the statements of the writer who signs himself a "Flag Officer," appear to be in great alarm as to the defence of our shores. I have no wish to enter into the questions which have called for the present increase in the navy estimates; but this I will say, that whoever relies upon the statements in the pamphlet of a "Flag Officer" will depend upon a false basis. I repeat, that the navy is now in a more efficient state than it has been in for many previous years; and, instead of any reduction having taken place, the estimates for the last five years, during which the present Board of Admiralty have been in office, have gone on increasing. Then, with respect to the naval force of this country, as compared with the navies of other countries, the statements of the "Flag Officer" are quite incorrect. And if the writer of the pamphlet be indeed a flag officer, he must have known that, from the *Quarterly Naval List*, he might have obtained correct information. This writer of the pamphlet states that the French navy has considerably increased since last year; while the fact is, that France has 3 line-of-battle ships less at this time than she had last year. Last year, France had, building and afloat, 49 line-of-battle ships, whereas, now, she has only 46. Then, with respect to steam ships, England has 30 steam vessels of all powers; while France has only 26. And of the large and powerful steamers of above 100 horse power, this country has 14 afloat; while France has only 3. I ask, then, can anything be more improper than for a person professing to belong to the service to put forth, in a printed shape, statements so grossly incorrect as those which have appeared in the pamphlet of the "Flag Officer," when the means of obtaining accurate information were so perfectly at his command? I will not further go into the comparative state of the naval forces of the two countries; but I cannot avoid expressing my regret, that, relying on statements so unfounded and incorrect, language should be used in discussions upon this subject calculated to give offence to foreign powers. It is too often the habit for Honourable Gentlemen to suppose that that which they are not themselves acquainted with, is equally unknown to all else; but I assure the Committee, that the Admiralty consider it their duty to make themselves acquainted with the state of the naval forces of foreign powers; and I can further assure Honourable Gentlemen, that the Admiralty are in possession of full information upon the subject, and will take care, no doubt, to act upon that information, for the good of the country. And, certainly, I think it would be far better that topics of a nature calculated to give offence to foreign countries, and to give rise to hostile feelings, should not be brought into discussion in this House. Then, with regard to the difficulty which has been experienced recently in manning the navy, and to which allusion has been made in the course of this debate,—it must be known to Honourable Gentlemen opposite, that it is impossible to obtain men so quickly in time of peace as in time of war and excitement. But, if Honourable Members would take the trouble to compare the manning of ships now with former times, the comparison would be found much in favour of recent years. The difficulty of obtaining men was experienced even during the Peace of Amiens, notwithstanding the shortness of its duration; and I have been told by a gallant friend of mine, that, at that time, he was a month before he could obtain men to fill up the complement of his ship. But take a more recent period,—take ten years back, when I believe there was some little excitement in regard to the policy of Russia; and if we compare the manning at that period with the present, we shall find it much in favour of the latter. In 1828, 1829, and 1830 there were five small frigates of 28 guns put in commission; and the shortest time that either of them took to complete its complement, and go out of harbour, was three months. The longest time taken was 133 days, the shortest 104 days. In 1836, three line-of-battle ships were put in commission, at the several harbours of Portsmouth, Plymouth, and Sheerness; the one that was commissioned at Portsmouth went out of harbour in less than three months, that at Plymouth in something less time, and that from Sheerness completed her crew in a still shorter period of time. Thus, it took a less time by 30 days, in 1836, to commission a line-of-battle ship, than it had taken ten years ago to commission a 28-gun frigate. I say, therefore, that there are greater facilities at this time for manning our ships than at any former period of peace.

It is quite true that the object of putting the ordinary into commission was to give a larger number of available seamen that might at any moment be drafted into ships to fill up their complements; and for that purpose the ordinary has been found fully efficient. I stated, last year, that I thought the coast guard might be so organised as to form a still further reserve; and a Committee was appointed to consider and report upon the subject; but no Report has yet been made. Indeed, to a certain extent, that Committee is defunct; but I would impress upon my Honourable Friend the Secretary to the Admiralty the propriety of reviving the inquiry, whether the coast guard might not be so organised as to afford a means of recruiting the navy in time of need, and of forming a valuable reserve of men, whose services might, at any moment, be made available. I do not think it would be advisable to adopt any plan (as has been suggested by Honourable Gentlemen opposite) by which men who have served twenty-one years in the King's service, and who are now serving in merchant ships, should be compelled to return to the navy in time of peace. About 200 seamen are discharged every year, who might be able for their duties for some time longer; but I think it is a good principle to allow those men who are receiving pensions for their services in the navy to enter the merchant service, and thus to show to the merchant seamen the advantages which the Queen's service offers. I consider it advisable that the merchant seamen should be made acquainted with the advantages which the Queen's service possesses, and that they should know the attention which is there paid to the health and comfort of the seamen. The moment a war breaks out, the pensioned seaman discharged from Her Majesty's service may come back into that service again, and enjoy his pension and his pay together. To whatever extent able-bodied seamen may be engaged in the merchant service, I consider them a reserve which may be relied on; and one on which we may at any time call; and I hold it to be desirable to increase that reserve. I should be anxious to keep up as large a number of men as might be compatible with the circumstances of the country. I confess, that I do not entertain much hope as to the result of a registration of seamen, as a means of keeping up a supply of men; and I think, whatever may be said against it, that the present system is, perhaps, the best that can be devised. The system of "inscription," adopted in France, has been found not to answer; and it is allowed to have inflicted as much misery as has ever been imputed to our system of impressment. Now, with respect to the promotion of officers, I admit that there is a numerous body of them for whom there is no employment. The rule which was formerly laid down has been strictly adhered to, — namely, that only one promotion should take place for every three vacancies. I know there is a serious complaint of want of employment; and I feel for the state of these officers, — gallant and spirited men as they are, — who are unemployed. I know, from experience, what a painful thing it is to have to administer the patronage of a department, under conditions which require that two thirds of the applicants for employment be sent away without the gratification of their hopes. But this state of things must go on during the continuance of peace; and peace, I hope, may last for a long period. Nothing but the old military toast, "a bloody war," could remedy the complaints that are made of the want of employment. So far as the Admiralty is concerned, they would be happy to afford promotion and employment to the fullest extent to which it is sought; but, then, they have to consider what the Chancellor of the Exchequer and Parliament would say; and to look to the circumstances of the country. With these few observations, I will leave the subject, hoping that I have succeeded in attracting attention to those points to which I have addressed myself.

SIR THOMAS COCHRANE.—Many of our vessels are remaining at home, because we have not men to carry them to sea. I do not think that the Honourable Gentleman can take credit for the efficiency of the guard-ships, because, as I before stated, those guard-ships are not in a condition so fit to go to sea as ships in ordinary. They are merely what are called "demonstration ships." I concur in the observation, that it is not to be expected that, in time of peace, this country should keep up a navy adequate to meet those of France and Russia; but there is a great difference between this and keeping up a force sufficient to perform those duties which are necessary in time of peace. I think, however, that if foreign countries knew that we had a fleet which was ready for any emergency, the knowledge of that fact would be influential in preserving peace, and would be a good test of the state of our foreign relations. I am averse to the keeping up a very large naval force; but, still, I think there ought to be a reserve sufficient to meet emergencies.

Mr. AARON CHAPMAN. — From the course of my pursuits in earlier life, I am led to entertain strong feelings with respect to the maritime interests of the country. I am bound to say, and I do so without reserve, that the executive administration of the Admiralty was never better conducted, nor under better management, than in the hands of the Gallant Officers opposite. I have, however, an objection to make as to one point in it, — namely, that a great number of mates and midshipmen, owing to want of employment, are thrown back upon the world, with their hopes disappointed, and without seeing before them any chance of promotion. On that point I object to the proceedings of the Admiralty; but I must say that, so far as regards the fitting out of the ships, — as to their construction and fitness for sea, — the country was never better served, nor its force in a better situation, than at present. With respect to manning, there does seem to be some tardiness; but that tardiness cannot be at present avoided. I quite agree in the opinion, that pensions ought to be granted to those who, having left the service, and entered the merchant service, return in time of war. There is no necessity whatever for distressing the merchant service; but every encouragement ought to be given to those men in time of war to re-enter the service in which they had formerly been.

SIR CHARLES ADAM. — I am extremely gratified, both on the part of my Honourable Colleagues and myself, at the opinions which have been expressed by my Honourable Friend; not only because those opinions have proceeded from him, individually, but because my Honourable Friend is one who is so practically acquainted with the maritime service of this country. He is a great shipowner himself, and knows the difficulty of manning the navy at a time when the merchant service is in so flourishing a situation. I recollect that, at the time when eight line-of-battle ships were to be manned, many merchant ships had to lie in the Thames for a considerable time for want of hands. Yet these eight line-of-battle ships were not long in getting ready for sea, considering that the time was unfavourable for manning them, owing to the fact of so many merchant ships looking out for men at the time. In case a war should break out, there would be no difficulty in getting a number of young men, who could be sent out, by steamers, to make up the war complements on foreign stations; and this could always be done before, in the present state of the country, it would be possible for us to be involved in actual hostilities. Much has been said about ships not having been manned as speedily as they should have been in the last year; but it should be remembered, that last summer there was very great activity in the commercial marine. This, in a great degree, accounts for the scarcity of hands. As for the boasted rapidity with which my Gallant Friend Sir George Cockburn, whose name I mention with the greatest respect, got the ships ready for sea which were to bring home our troops from Lisbon in 1829, for which the Honourable Member for Stamford (Sir George Clerk) has so often taken credit, I must remind the House that those ships were not fully manned; in fact, they were only half manned, and sailed without their lower deck guns, otherwise they could not have contained the troops they were appointed to convey. Now, with respect to the complements of men employed, there can be no doubt that, when the guns are well manned, it is impossible but that the ship should be well worked. The peace complement of men is always made with reference to the war complement, from which a certain per centage is deducted, to form a peace complement. At the present moment, the peace complement of our ships is little less than the war complement of 1815. With respect to the boys in the navy, I have the pleasure to tell the Committee, that all the boys are employed. When the ships on the foreign stations fall short of their complements, there is always a supernumerary complement of boys ready to be sent out to those stations. With respect to the deficiency of hands on the Mediterranean station, there are 156 men and 20 boys short; but, then, 116 supernumeraries are going, or have gone out, to fill up these vacancies. It should be recollected, that the boys who are sent out now-a-days are in such a state of training as to be able immediately to enter upon active service. There is a considerable number of boys on board the guard-ships in ordinary. They are in a most efficient state, and go through the gun exercise in a most extraordinary manner. When my Honourable Friend the Member for Halifax was Secretary to the Admiralty, there was an additional number of 5000 men voted; but it was upon the understanding that these men should be called into service only as they might be wanted. As to want of force on other stations, I admit that there was not, at the time of the blockade, a sufficient force on the coast of Mexico, in proportion to the great force of the French; but I and my Honourable and Gallant Colleagues had made every effort to supply the deficiency; and it was only owing to a remarkably tedious passage, that the ships which were in consequence sent out did not arrive in time. With respect to ships not being ready to send to China, it has been said, "If we had

had a force ready in this country, we could have had that force now at Singapore, ready to take part with the Indian squadron." All I can say is, that if the force had been there, it would have been to very little purpose; for the monsoon would have certainly told against the progress of the fleet, and it could not have got to its destination. I know, very well, this, that the gallant officer (Captain Sir J. B. Gordon) who has succeeded my gallant friend the late Admiral Maitland, on that station, has written to us to say, that if he could have the ships in June, it would be time enough. Here I may mention a fact, with respect to this appointment. When the illness of my gallant friend Sir F. Maitland rendered it necessary for us to send out a successor, the Court of Directors of the East India Company wrote to apprise us that they had a steamer going out on the 30th of January, which was expected to reach the Cape of Good Hope in a month after her departure; but what was the fact? Owing to unfavourable circumstances, that vessel did not leave this country until two days after the time fixed for her arrival at the Cape of Good Hope. After the admirable speech of my Honourable Friend the Member for Halifax (Mr. C. Wood), it is not necessary for me to trouble the House with any further particulars.

With regard to the assertion of the Noble Lord opposite, the Member for South Staffordshire, that the promotion in the navy has been conducted in "a profligate manner," I tell him that there is nothing to support him in his assertion. I am not speaking now of Admiral Fleming's appointment; that was an appointment which did not belong to the Admiralty: the Noble Lord at the head of the Government, in another House, has taken upon himself the responsibility of that appointment. But I will say, that no man in the service, from his boyhood upwards, has done more, as opportunity has offered, for the service, than Admiral Fleming; he sought service, and only wanted the opportunity of distinguishing himself against the enemies of his country. I defy the Noble Lord to show me any instance of "profligate promotion." He may look back to some promotions which were formerly made, probably, not very necessary for the good of the service; but if the Noble Lord will bring forward any case of an appointment which he can call "profligate," I will meet it with pleasure; for I will tell the Noble Lord, in the strongest language that I am capable of uttering, that there is no profligate promotion in the navy. I now hold in my hand a list of the promotion of mates that has last taken place. The first promotion is that of an individual promoted from the coast guard, on account of merit. Another is that of the nephew of my gallant and lamented friend Sir F. Maitland, in consideration, no doubt, of the services of his gallant relative. The next is that of the senior mate of the Fair Rosamond, one of our most active cruisers. The next, the mate of the Russell, on account of the character he carried with him from the Excellent, and the request of his captain, that he might be promoted. The next, the son of the late Captain Ross, of the navy. Another, the son of the late Admiral Winthrop. The next, that of Mr. William Page, promoted on account of his character, and who has often said, that he did not know how he could ever be promoted, as, unfortunately, all his friends were Tories. The two next were those of individuals who were promoted on account of the part they took in the operations against Aden. The next promotion was that of the brother-in-law of my Honourable Friend who was Secretary to the First Lord of the Admiralty. He was a junior mate; and when the Ministry resigned, and when my Noble Friend was leaving the Admiralty, as he conceived, for ever, he thought fit to mark his sense of the services of his Secretary by promoting his brother-in-law. I do not mean to say that he may not be a young man; but, young as they might be, or old as they might be, no man has been promoted who has not deserved it; and I do not blame any man for promoting his friend, if he deserve it. I think, also, after the promotions which were made in 1837 and 1838, that it is not very reasonable to talk of want of promotions. The regulations usefully introduced by Lord Melville, that only one promotion should take place in three vacancies, has been strictly adhered to, unless in cases that may have called for special promotion. I can only, in conclusion, repeat, that if the Noble Lord can point out any case of improper promotion, I will be prepared to meet it.

LORD VISCOUNT INGESTRE.—The Gallant Admiral has accused me of making use of the term "profligate promotions." I did not make use of those words. What I said was, that the promotions which had been made were by no means creditable to the Admiralty.

SIR C. ADAM.—You made use of the term twice over.

LORD INGESTRE.—I do not think the Gallant Admiral is quite correct in the way in which he interrupts me. I will not now mention names, which would be invidious; but there were several instances mentioned on a former occasion by my Right Honourable Friend the Member for Pembroke. I allude more specially to the case of Greenwich Hospital; and what I said on that point I see no reason to retract. I mean to cast no imputation on the personal or professional character of that gallant officer: I believe that officer served as much as he could. But that gallant officer has three times hoisted his flag since the peace. Last year, he commanded at Portsmouth, and he was no sooner there than he was removed to Greenwich. I always thought that the appointment to Greenwich Hospital was looked upon as a retreat for some officer disabled in action with the enemy, or who, having performed large services to his country, was found to be in straitened circumstances. With respect to what the Honourable Member for Halifax has said of the state of our naval service in relation to foreign countries, so far from wishing to say anything indicating hostility towards those countries, I felt it would be highly improper for me to do so. I only wished that, looking to the comparative strength of those services, we should not have a force unequal to them. The Honourable and Gallant Admiral has said that, last year, we commissioned eight line-of-battle ships; but I do not look upon that as an efficient force. I think we should always have a few line-of-battle ships ready to start for any part of the world, whenever their services might be called for. The Gallant Admiral has been fortunate that the force for China was not required immediately; but it might have so happened that the ships would have been wanted at a moment's notice; therefore I contend for the propriety of having ships in the neighbourhood of the ports, ready for any emergency; and because, also, of the good effect it has on seamen, generally, to see fine men-of-war off the coasts of this country. The statement I made on a former occasion, and which has been lightly called in question by the Honourable Member opposite (Mr. C. Wood), respecting the relative number and strength of French and English steamers, was perfectly correct, and was taken from the navy list of the French marine, published in January, 1840.

A great deal has been said about the manning of the ships, by the Gallant Admiral opposite,—with respect to the propriety of the course that has been taken on that point. As I understand, there has been an increase of men; and I agree with the Gallant Admiral that, so long as the guns are well manned, there can be no doubt that the ship will be well worked. With respect to her spars and masts, I am glad to think that the discussions which have taken place in the House on this subject may have had the effect of producing some improvements. These ships, we know, are a long time in fitting out; and I have known instances of their being kept, many days, waiting for some trivial stores, &c. I was, myself, kept waiting at Portsmouth ten days for a spanker boom; and this delay was occasioned by the want merely of this small and insignificant article, and to the circumstance that the yard at Portsmouth was full of work at the time. There is one point about which I wish to have some information,—namely, with respect to the seamen educated on board the Excellent. I should like to know whether any steps are taken to retain those men in the service; because, otherwise, it would be very predjucial to our national interests, if we were to educate men, and to allow them to bring their professional knowledge, afterwards, to bear against us in a foreign service. I wish to take this opportunity of making a few observations, which would come more properly under the head of another vote; but my alluding to the subject, now, may save the House the trouble of my doing so on a future occasion. The subject is one to which, considering that I cannot boast much technical knowledge, it may be presumptuous for me to discuss,—I allude to the state of the naval architecture of the country. I think, upon that subject, we have displayed a great deal of haste and passion, and a readiness to adopt crude notions; and I hold that, if we allowed those notions to be tried by the test of experience, the result would be more satisfactory. Now, I think that the disposition which I complain of was shown last year, with respect to a ship which was then built. I wish to ask whether the Gorgon was laid down with the intention of her carrying guns on her main deck? I know that when she was building, a lithograph drawing was circulated, and that she was pierced to carry those guns. I will add that, when a ship has been laid down to answer a particular purpose, if she do not fulfil that purpose, she must be considered a failure. She may be a good or a swift ship; but those objects might have been attained at a less expense. I understand that, notwithstanding all the boast that was made about the Gorgon, when she was sent out with troops and stores, her lower deck was obliged to be caulked in, and her heavy engines were obliged to be removed. But if the Gorgon answered so well, why was the principle, on which she was built, departed from, in the laying down of the Cyclops immediately after? I only allude to this point for the purpose of stating my opinion, that, instead of taking for granted the statements of individuals, shipbuilding, like every other science, should be submitted to the test of experience. I procured, last year, Returns of the experiments made with the Pique and the Inconstant; those Returns are now on the table, and show that the Inconstant has proved herself not only to be a superior ship, but a very efficient man-of-war; and yet, why is it that now the country are to have all Piques, and no Inconstants? Why have we not had some ships built on the principle of Admiral Hayes? I have got some Returns with respect to the Vanguard and the Rodney; and in these Returns the sailing qualities of the Rodney are twice as often repeated as those of the Vanguard. Now, I wish to see fair play. But, in proof of the necessity of more attention on this point, I may mention that there is no state more anxious than Russia to improve her navy; and yet Russia has not lately copied any ship from our navy. What I wish to see established in this country is a board of naval instruction, similar to that established in the year 1752, in France, by the then Minister of Marine, and which should be composed of men of science, who could give their opinions on matters to which it is impossible for the Board of Admiralty to devote due attention. It is not necessary that such a board should be a paid board; for I am sure that the men of science of this country would undertake the duties to be imposed for such purposes, in the same way as the Royal Society does. I have to apologise to the Committee for thus trespassing on its attention; but no threats, or violence of manner, on the part of the Honourable and Gallant Admiral opposite (Sir C. Adam), shall deter me from doing my duty as a Member of Parliament, in calling its attention to circumstances which may have come to my knowledge, and to which I may think it desirable that the notice of Parliament should be directed.

SIR C. ADAM. — I regret, if any warmth of manner on my part has at all been offensive to the Noble and Gallant Lord. I meant no disrespect to the Noble and Gallant Lord; but when charges are brought, which are unfounded, against myself, and my Friends, the Noble and Gallant Lord will always find me in the same disposition. In answer to the question as to the Gorgon, I beg to say that she was not intended to carry guns, in the way stated, when employed as a steamer; but as she had portholes for ventilation, and as it might be necessary to employ her as a sailing vessel, bolts had been fixed at her portholes, in order that she might, if required, carry guns between decks; and she is now a fine ship of war. It is not the fact, that her engines have been removed to make way for lighter ones. The fact is, that instead of engines of 220 horse power, engines of 300 horse power were substituted; and, so far as experience has gone, she has answered admirably. With respect to the Rodney and the Vanguard, the reason why the Rodney was more frequently mentioned was, because her sailing qualities had been more frequently tried than those of the Vanguard. So far as the Vanguard has been tried, she has been found to answer admirably; and I hope, on her passage home, she may meet some heavy gales that will put her qualities to the fullest test. When the squadron accompanied the Queen Dowager to Malta, at a time when there was a very heavy sea, an order was given to exercise great guns; the signal was answered immediately: and, so far as my judgment could be formed, nothing could be found to answer better than the Vanguard. She made some of the best passages in the worst weather. With respect to the Noble Lord's allusion to the principles of shipbuilding laid down by Admiral Hayes, I may mention that the son of that gallant officer has been promoted, in consequence of the attention paid by his father to the improvement of naval architecture; and I beg to add, that an opportunity will speedily be afforded of laying down some ships on Admiral Hayes's plan. With respect to what the Noble Lord has stated as to the charges brought against us by the Right Honourable Baronet the Member for Pembroke, I think those charges have been fully answered by my Honourable Friend the Member for Halifax.

LORD VISCOUNT INGESTRE. — I am perfectly satisfied with the assurance with which the Gallant Admiral began his speech, that he meant no personal allusions to myself in anything he said. With respect to the charges made by my Right Honourable Friend the Member for Pembroke, I did not mean to say that any of the officers appointed are not able to discharge their duties. I only mentioned those appointments in contrast with other officers who had not been promoted, though their services entitled them to consideration.

SIR T. TROUBRIDGE. — I have great pleasure in answering the question which has been put (and has not yet been answered) by the Noble and Gallant Lord, with respect to the seamen gunners of the Excellent. That most valuable class now are entered for five years, with increased pay; and, with a view to keep them in the service, additional pay is given them again to enter for five years more.

SIR J. DUKE. — I have heard, with some surprise, the statement made that our ships are now inferior to what they were. On the contrary, our ships are much superior, now, to what they were during the last war. At the battle of the Nile, the largest ships we had in that action were not equal to many of the ships which we have at present. I own, I really do not see that any charge can fairly be brought of party patronage against the Admiralty, with respect to the officers; and I think that the recent promotions would, if examined individually, speak for themselves, and fully show sufficient merit in the persons promoted to explain the cause of each case of advancement, without any necessity of resorting to hypothetical imputations of partiality and favouritism. I should have liked, however, to have heard something satisfactory from the Gallant Admiral the Member for Clackmannanshire, with respect to the case of Port Mahon.

CAPTAIN BOLDERO.—There is one observation which has fallen from the Gallant Admiral opposite which will give the greatest satisfaction, I am sure, to every officer in the service, — namely, that, in the distribution of the patronage of the Admiralty, merit alone has been and will be considered. There is a subject I wish to bring under the notice of the Gallant Admiral, for the purpose of obtaining some information upon the point. On the 10th of July last, the medical superintendent of Greenwich Hospital retired; and the question I wish to ask is, whether the vacancy has been filled up? I understand that the late governor of Greenwich Hospital had, in his last illness, to send up to London for a physician, as there was not such an officer attached to the establishment. There are above 4000 persons there, including above 300 invalid cases to be daily attended to; more than 170 of which are medical, and not surgical, cases. Surely some physician ought to be appointed to such serious and responsible duty. I also wish to ask the Gallant Admiral, and the Honourable Secretary opposite, how many more of these votes they propose to take to-night? The third vote is that, I see, which relates to their own salaries; and I cannot reasonably ask them to postpone that: but, surely, the rest of the votes may, with advantage, be postponed until after the Report of the Naval and Military Commission shall have been placed in the hands of Members. I hope that no delay will arise in bringing forward the Report of that Commission, as I understand it suggests many things that will be to the advantage of both services. The public service, therefore, cannot suffer by this trifling delay; for, after being in possession of these recommendations, we shall enter upon the discussion of many important points involved in these votes with much more pleasure, and with a better chance of securing the improvement of the service. If we do not do this, the month of August will arrive; there will have been a delay in the production of this Report; Parliament will separate, and we shall go into the country without having done anything with respect to it.

SIR C. ADAM.—I hope that Report will be laid on the table ere long. As to the vacant place of physician at Greenwich, I believe there is no immediate want of medical assistance at the hospital. It could easily be supplied at any time it might be required; but the cause of the situation not being filled up is, that if the Report alluded to should recommend a decided alteration with respect to that office, it would only be creating trouble, confusion, and disappointment, to fill it up at present. As to the last illness of the late lamented Sir Thomas Hardy, of course his friends sent to London for the best advice that could be obtained. A person in the situation of that gallant admiral would not be likely to limit himself to merely local advisers. I certainly am not disposed to postpone these votes; and the difficulty suggested by the Honourable and Gallant Member may be easily got over by bringing forward, hereafter, any supplementary estimates that may be rendered necessary by any recommendations of the Report in question.

Mr. PLUMPTRE. — I wish merely to make an observation, Sir, with regard to what has fallen from the Honourable Member for Halifax, with respect to the French fleet. I do not know that the

Honourable Member can have better information upon that subject than the "Flag Officer;" who, I should imagine, is at least as unlikely to have made a mistake upon any naval subject as even the Honourable Member himself. I do not complain, for my own part, that our fleet is not in the state it ought to be, so far as it is itself concerned; but that our naval force is not in the state it ought to be, as compared with the naval establishments of other countries, and France in particular.

Mr. C. WOOD. — I should be very sorry to say anything which might annoy the feelings of the Honourable Member for East Kent, or, indeed, of any other Gentleman in this House; but the "Flag Officer" states that there have been many unwise reductions made in the navy; and all that I replied was, that he had understated the amount of our steamers afloat; and that, if he had referred to the quarterly published statements of the Admiralty, he would have been enabled to have made a better statement himself.

Mr. HUME. — Before, Sir, we were led into this digression, I wished to have had an opportunity of making my usual annual objection to the vote for old stores. I wish to see it placed in a distinct and separate account. The present account, I may here add, is such as no man can, without great difficulty, understand. I do not think this is a fair way of doing the business of the country; and I hope, that, in another year, some better mode will be adopted. I wish to ask the Honourable Secretary if any alteration is contemplated in the mode of providing these supplies, and what manufactures are carried on in the naval yards at present; and whether there is any intention of obtaining the necessary articles by contract in future?

Mr. M. O'FERRALL. — All the articles required for the service of the navy are now provided by the navy itself, except biscuit, beer, flour, chocolate, and oatmeal.

The vote was then agreed to.

The next vote was, "That the sum of 122,096*l.* be granted to Her Majesty, for the salaries and contingent expenses of the Admiralty."

Question put.

Mr. HUME. — I wish to ask the Honourable Gentleman what the 4600*l.* included in this vote is allotted for?

Mr. O'FERRALL. — For the entire expense of prosecutions for the service of the Admiralty. It is my intention, shortly, to give notice of Bills to regulate the salaries of the judge of the Admiralty and his assistant officer.

SIR GEORGE CLERK. — I see the sum of 5000*l.* charged in this vote for postage, and I wish to know if it is true that it covers the whole amount of postage charged at the outports? I understand, too, that a circular has been issued as to letters to and from the public offices being written on half sheets of paper. I wish to know whether this order has been issued with respect to the Admiralty, inasmuch as it will produce, I fear, great confusion in the public departments, — confusion, indeed, that will not be compensated by any saving that may be created by such an order?

Mr. O'FERRALL. — The whole of the postage is paid beforehand, and paid by weight. With respect to the second question of the Honourable Baronet, I can only say that, a new system of postage having been established, the experiment, with regard to half sheets, has been made with a view to economy in, and to reduce the weight of, the correspondence of the public departments.

Mr. HUME. — I must say I think the Government deserve thanks for what they have done in this respect; as it is well known that the expenses of the public offices are very great, and that a great saving might be made in them all, if a due attention to economy were paid by those who preside over them. We ought to use no more paper than is absolutely necessary.

[Laughter from all sides of the House.]

It is the duty of the Admiralty, as well as of any other department, to attend to economy in this matter of paper, as in all other things. I understand that a Committee up-stairs has determined upon reducing the weight of paper used in our parliamentary printing, to an extent which will cause a saving of 30 per cent.

Mr. GOULBURN. — There is an instance on record of a gentleman stating that he had calculated that he had saved at least 5000*l.* in the course of his life, simply by abstaining from crossing his t's and dotting his i's. I suppose this experiment will be equally effective.

[Laughter.]

The vote was then agreed to.

The next vote was " That of a sum of 2980*l.* be granted to Her Majesty, for expenses connected with the registry of merchant seamen."

Question put.

Mr. AARON CHAPMAN. — I entertain very great doubt whether this office has answered the purpose for which it was established. I find, for instance, that there are 20,000 seamen more in the Returns of last year, than in those of the present. This difference appears on the face of the Returns; and, under these circumstances, and in the absence of the Right Honourable Baronet (Sir J. Graham) the Member for Pembroke, I can only say, that if something be not done before next year, with respect to the proper working of this office, I will, myself, move the repeal of the Act by which it was established.

Mr. HUME. — I agree with the Honourable Member upon this subject, and I wish to know how and why there should be such a difference between these Returns? I believe that the Admiralty could keep the register of apprenticed seamen well enough, by devoting the attention of two or three clerks to the subject; and that all the expense of this office might be saved to the country, and the work be thereby better done than it evidently now is.

Mr. O'FERRALL. — The object of this establishment, I believe, relates more to the apprentices of the naval, than those of the merchant service. On the whole, however, I have no doubt that these Returns are correct.

Mr. HUME. — I consider that, under the circumstances, the vote ought to lie over until some better explanation upon the subject shall be given to the House.

VISCOUNT PALMERSTON. — I do not think the vote should be postponed; but that the better plan would be, that it shall be hereafter moved, by any Honourable Member, to repeal the Act of Parliament, in case the office shall be found to have been inefficient for its intentions.

Mr. HUME. — My fear is, that if we once vote the money, we shall hear no more of the matter. The best mode of effecting the repeal of the Act would be to refuse the vote.

Mr. GOULBURN. — I think the money should not be voted until we know whether the system of registration has succeeded, or not: at the same time, I must say, that I think that such a mode of repealing an Act of Parliament would be very objectionable.

Mr. A. CHAPMAN. — What I object to is, the very imperfect mode in which the business of this office, and the intentions of the Act, appear to be conducted and carried out. It is not long since a ship — the Camden, I believe — was detained at Portsmouth by a mutiny among her crew. A part of the crew were subsequently sent to gaol; but it was found, upon inquiry at the office, that no such names as those given by these men were to be discovered upon the register. Under these circumstances, I merely throw out a hint of the course I shall certainly find it my duty to take upon this subject, in a future Session, unless the Right Honourable Baronet (Sir J. Graham) takes up the subject, himself.

Mr. ANDREW WHITE. — There can be no question that the value and efficiency of the office are directly dependent on the correctness with which its duties are conducted.

Mr. HUME. — If this board can be shown to be at all likely to effect the object for which it has been established, I can scarcely name the amount of expense to which I would not consent to go for that purpose; but such is not the case. Impressment, however, could not, in the present day, be allowed to go on as it did in former times. If we wanted to man our navy, we should adopt the plan pursued by other countries, and give a sufficient and encouraging pay.

ADMIRAL ADAM. — I am not aware that any complaints have reached the Admiralty respecting this board. As the objection, however, has been now made, the matter shall be inquired into. At the same time, I think the Honourable Member for Whitby, who has impugned the utility, and questioned the mode of business, of this office, should be prepared to fortify the opinion he has expressed by the opinions of other mercantile men.

The vote was then agreed to.

The next vote was, "That a sum of 27,433*l.* be granted to Her Majesty, to defray the expenses of the scientific departments connected with the navy."

Question put.

LORD ELIOT. — I wish to observe, Sir, before this vote is agreed to, that I last year moved for the appointment of a Committee to inquire into the merits of Mr. Snow Harris's newly-invented lightning conductors. On the suggestion of the Right Honourable Baronet the Member for Tamworth, a Commission, instead of a Committee, was appointed. That Commission has reported, but its Report has not yet been laid on the table; and as it appears that the discussion of the navy estimates will probably be concluded before that Report is presented to the House, I wish to call its attention to the subject. I believe I may assume that that Report is conclusive, as to the expediency of adopting Mr. Harris's invention, which, I understand, has been found to be a perfect safeguard to vessels against the ravages of lightning. I have been informed, that orders have lately been issued to fit out vessels with Mr. Harris's invention; and that this has been done without any communication with the inventor. Now, if such be the case, it is not, in my opinion, proper conduct. It is only fair, when an invention is adopted, to allow it to be carried into execution under the personal superintendence of the inventor. That has been done in the case of the postage scheme, and in all our improvements in naval architecture; and the same course should have been pursued with regard to Mr. Harris. I am informed, too, that some of the vessels have not been fitted according to the last plan recommended by Mr. Harris. I must repeat, that that is unfair towards the inventor; and it is most essential to the security of our mercantile and military marine, that no prejudice against what may be considered innovation, and no personal jealousy, should be allowed to operate in such cases.

SIR C. ADAM.—I can assure the Noble Lord that there is no personal jealousy whatever at the Admiralty on this subject. Captain Sir James Ross, who was in command of the Erebus on the Antarctic expedition, and who has been employed in the Commission to which the Noble Lord has referred, asked to have his ship fitted up with Mr. Harris's conductors; and I perfectly recollect saying, that, of course, that wish must be complied with. But, seeing that Captain Ross had been one of the Commissioners, I naturally concluded that he had been in communication with Mr. Harris before making that request. I have, however, since heard that Mr. Harris complained that he had not been consulted. The Foudroyant, at Plymouth, has been fitted in the same manner; and this ship has been chosen because she is undergoing considerable repair at Plymouth, near the place of Mr. Harris's residence. I am not sure that Mr. Harris has been told of what has been done; but the orders have been given in the precise terms recommended by the Commissioners. I will, however, take care that Mr. Harris shall be communicated with.

LORD ELIOT. — With regard to the Erebus, which, I understand, has been lying at Chatham, it could hardly be expected that a professional man, of limited means, should, at his own expense, without any certainty of remuneration, travel a considerable distance for the purpose of superintending the application of his own invention; and, as to the Foudroyant also, the officers of the dockyard would hardly be justified in allowing a person, without any authority from the Government, to come and superintend the fitting of a Government ship. This invention, in my opinion, richly deserves one of those rewards which are held out for scientific improvements in the service.

Mr. M. O'FERRALL. — Is it the object of the Noble Lord to have a salary given to Mr. Harris?

LORD ELIOT. — I certainly think that when a gentleman has devoted so much time and attention to a subject which is likely to be so beneficial to the navy, some allowance should be made to him at some future time.

Mr. C. WOOD. — I must confess, Sir, that I do not know how it can possibly have been detrimental to the invention of Mr. Harris, to have had his experiment tried under the superintendence of Captain Ross and another gentleman, who was also on the Commission.

Mr. HUME. — I wish to know whether there is any Report, furnished by the surveying department, as to what vessels are employed on foreign stations in that service? — how they are employed, and how the money is expended? That department would, in my opinion, be much more useful if the public were made more fully acquainted with the progress which it may be making.

MR. O'FERRALL. — On a former night, I stated the stations and surveys on which vessels are employed in the surveying service. Some of those vessels are employed on the coast of New South Wales, some on the coast of Ireland, some in the Channel, some in the Pacific, and some in the West Indies.

MR. HUME. — What I want, is a Report for public use. I do not say that the money is improperly expended, but I object that we have no account of it.

CAPTAIN PECHELL. — When any surveys are made, they are advertised, and charts are published by the Admiralty. As to the vote of 1000*l.* for scientific rewards, included in this vote, I must say, I think it very advisable that some rewards should be given for improvements in the service of naval architecture. There are several persons who deserve such rewards. There is a vessel in the navy, called the Waterwitch, which is built in so superior a manner that she has quite taken the fancy of the Admiralty. She is now employed on the coast of Africa, and is so fast a sailer, that no slaver has come within sight of her which she has not captured. Cases of this sort demand rewards; and I think there can be no better occasion to name such a proposal, than when a vote of this description is before the House.

MR. O'FERRALL. — With respect to rewards for scientific purposes, I can assure the Gallant Officer, that, in the last year, there were 655*l.* 13*s.* devoted to that object, on different parts of the coast, and the foreign stations.

MR. HUME. — I hope a Report will, in another year, be laid before the public, upon this subject, by the Admiralty.

MR. AARON CHAPMAN. — I am quite ready to bear my testimony to the utility of the surveying department of the service. There is the greatest liberality, on the part of the Admiralty, in the distribution of the charts.

MR. HUME. — I would also, whilst we are on this subject, press upon the attention of the Government the advantage which would result from the use of the electric telegraph, which is a discovery of extreme importance.

LORD VISCOUNT INGESTRE. — I wish to know, with regard to the Naval College, whether any measures are likely to be taken for the instruction of the younger officers in the principles and machinery of the steam engine?

MR. O'FERRALL. — I am happy to be able to inform the Noble Lord that a small steam-ship is to be made for the very purpose of affording the young gentlemen the means of examining its construction, and of making themselves practically acquainted with all its principles.

SIR GEORGE CLERK. — Of late years, I believe, the sum paid by the students at the Naval College has been nearly sufficient to defray the expenses of the establishment. Last year, the estimate for the Naval College was 685*l.*, but it is now 1440*l.* I therefore want to know what was the number of students during the last year? It appears that the superior naval instructors and schoolmasters who are sent on board the larger vessels, to instruct the midshipmen in navigation and mathematics, amount only to twenty-two. Now that is, clearly, a very inadequate number, for there are twenty-one line-of-battle ships; and, consequently, those who are entered on board frigates have not the benefit of the superior instructors. I wish, therefore, to know whether there is any chance of the naval department being able to provide a sufficient number of persons qualified to give the requisite instruction; also, what is the number of persons at the Naval College who have passed the requisite examination, and whether they contribute any part of the expense?

MR. O'FERRALL. — A portion of this vote — namely, 50*l.* — is intended for the library of the Naval College. I have not the Return with me of the number of the students at the college. With respect to instruction afloat, I believe there are naval instructors and schoolmasters as before.

SIR C. ADAM. — The Naval College contains, at present, thirty inmates, who have passed their examination. Before the students are admitted, they are required to know something of trigonometry; and when they come to the college, they are instructed in the higher branches of nautical astronomy, natural philosophy, mechanics generally, and particularly the steam engine. The students, I am happy to say, have made great progress. When the Board of Admiralty went there last year, some of them were examined; and they passed through their examination with the greatest credit. A lieutenant's commission was held out as a reward to him who should pass the best examination. Several officers on half pay have joined the establishment, and, probably, more will do so.

The vote was then agreed to.

The next vote was, "That the sum of 122,236*l.* be granted to Her Majesty, for salaries and contingent expenses of the officers of the naval establishments at home."

Question put.

Mr. BARNARD. — I observe in this vote a sum of 213*l.* 18*s.* 8*d.* for parliamentary and parochial taxes. I had hoped, Sir, that it would be much larger; as the inhabitants of St. Paul's, Deptford, complain, in a petition which I shall have the honour to present to this House, of the great oppression which they suffer in having to pay Government land tax and Government poor rates; — for the land tax, 188*l.* per annum, being one third of the whole amount; and for the poor rates, 1500*l.* per annum, being also one third of the rates. Should they not be relieved from this grievous oppression, they will have to pay for the Government 1700*l.* per annum. Thus, Sir, as the Crown is not liable, at common law, to pay local taxation, this hardship arises; therefore the Crown, contrary to the Bill of Rights and the rights of the constitution generally, virtually possesses the power of taxing the people without the consent of Parliament. But, Sir, the power has been relaxed in several instances; — by the Admiralty, at one time, from 1836 to 1855, paying the poor rate and land tax; — in former times, by the Cinque Ports not having to find vessels of war, which they once did, but by the expense being paid by the nation, as at present; — by the Board of Woods and Forests, in the case of land purchased of Lord Gage, in the forest of Dean, where the right of not paying the taxes was endeavoured to be enforced; but it was found to be so utterly desolating, that it was given up by the Crown, by the Board of Woods and Forests allowing themselves to be assessed.

Mr. O'FERRALL. — I can only, on the present occasion, repeat the answer that was given by the Honourable Member for Halifax, last year, to the same question. I admit the grievance; but it is not in the power of the Board of Admiralty to remove it. At the same time, I presume that it is, of course, open to the Honourable Member for Greenwich to bring forward a measure in reference to it, if he thinks proper.

Mr. BARNARD. — My answer to the observation of the Honourable Secretary is, that I think that the Admiralty has the power of remedying this evil. The observation of the Honourable Secretary is not what I call an answer, but a put-off.

[Laughter.]

It is in the power of the Admiralty either to relax the power, or to bring in a Bill on the subject.

Mr. O'FERRALL. — I can only repeat, that I do not deny that this is a hard case upon the Honourable Gentleman's constituents; but he must very well know that it is not a question with which the Admiralty can deal. The Honourable Gentleman must make his appeal to the Chancellor of the Exchequer.

Mr. BARNARD. — I had, last year, a sort of half promise of support from the Right Honourable Gentleman the Chanceller of the Exchequer upon this subject. I do not see him here now; but, if he be, I wish he would confirm his promise on the present occasion. Without some aid, I cannot, myself, introduce a Bill upon the subject.

Mr. WOLVERLEY ATTWOOD. — I must say, that I consider that the answer of the Honourable Gentleman the Secretary to the Admiralty has been justly described by my Honourable Colleague as a put-off. I consider that term to have been well applied to it, because the Honourable Secretary, while he acknowledges that this case is one of peculiar hardship, says, in the same breath, that it does not rest with the Admiralty to redress the grievance. I hope that my Honourable Colleague will bring this question formally before the House, and that the Honourable Secretary, who admits the hardship of the case, will then give him his support. If this be not done, I pledge myself to bring some proposition on the subject before the House. This, Sir, is not a local question, affecting merely local interests; but a question of great and very general importance. It is, in short, this,—that the Government, having thought fit to take possession of a large portion of valuable property in Deptford, — property on which a large number of labourers might be employed, — did employ a certain number of men there, for some time, but subsequently abandoned it, leaving those men and their families a burden upon the poor rates of the parish to the amount of no less a sum than 1500*l*. This is, shortly, the grievance we complain of. I am clearly of opinion that no one particular district ought to be taxed for the benefit of the public at large. The Honourable Gentleman the Secretary to the Admiralty defends the conduct of that board on the ground that they are acting on a general principle; but if that be the case, I submit to the House whether it is not highly expedient that such principle should be abandoned? But there is another subject connected with this vote, to which I wish to call the attention of the Committee, and that is, the dockyard at Deptford, for the maintenance of which establishment a sum is annually voted. I agree with my Honourable Colleague that there is no active and efficient establishment at Deptford, and that nothing is done, at that place, with respect to the building and repairing of ships. If that be the case, it may be asked, why keep open a dockyard, at Deptford, which can answer no useful purpose? I am quite aware that the answer will be, — "It is merely a skeleton establishment, and may be brought into full activity whenever circumstances require it." But I contend, that an establishment ought not to be kept up which is not likely to be applied to any good or useful purpose. The inhabitants of Deptford loudly complain of the existence of the dockyard, in its present state; because the most valuable property in the town — that which has a river frontage — is comparatively useless. The Admiralty say they can get their work more advantageously performed in other quarters; but I am not at all prepared to admit the correctness of that assertion. My opinion is, that the work of the country will be performed more economically under the superintendence of the parties who are principally interested in it. If it be necessary to continue the dockyard, in order that it may be useful in case war should arise, I think it would be only fair to give it a portion of employment at the present time. I trust the Admiralty will either use the dockyard at Deptford, or abolish it altogether, and appropriate the proceeds to the public service. It is not my intention to trespass further on the time of the Committee; but I may state that, on some future occasion, I propose to bring the subject fully under the consideration of the House.

Mr. C. WOOD — Sir, I think the Honourable Secretary to the Admiralty has not been fairly dealt with on this occasion. The question of exemption from Government taxes is not peculiar to Deptford, but is applicable to all the public establishments; and it is impossible for the Admiralty to remedy that, in this particular, which rests on a general principle. The Honourable Gentleman who has just sat down has talked of the hardship inflicted on Deptford by this establishment, and of the argument used by the Admiralty on this subject; but, I confess, that I never heard of them before. With respect to the dockyard at Deptford, I may state to the Committee, that it has been lately used as a store yard, and that the expenditure upon it is nearly 2600*l*. a-year; whereas, two or three years ago, scarcely anything was laid out on it.

Mr. HUME. — I think the Committee ought to have some explanation with respect to the exemption of the dockyards from the payment of taxes; for I find Deptford charged 213*l*., Woolwich 540*l*., Chatham 650*l*., and Portsmouth 700*l*. I do not think the Government ought to shelter itself under any technicality to avoid their fair share of the taxes.

Mr. W. ATTWOOD. — The Honourable Member for Halifax has stated that I have brought forward arguments which are not sanctioned by the Admiralty. I think such an assertion would have come with a better grace from the Honourable Secretary to the Admiralty. I do not think they will disavow these arguments; for I am not aware of any other on which they can defend their present course of proceeding with respect to the dockyard at Deptford.

SIR C. ADAM. — The Honourable Gentleman is mistaken in supposing that the dockyard at Deptford is not used for beneficial and useful purposes. All the sales for foreign supplies are made there; the stores are all received there; and, in last year's estimate, a sum was voted for a rope manufactory, which is now in the course of erection. Formerly, Deptford was a place where ships were built; now it is used for the benefit of the public service in a different manner.

Mr. W. ATTWOOD. — The amount

of the estimate for the dockyard at Deptford speaks for itself, and shows that it is not in a state of activity. The amount of the vote is 2500*l.*; whilst the votes for Woolwich, Chatham, and Sheerness, respectively, are 10,700*l.*, 16,000*l.*, and 10,000*l.* That sales have been transferred to Deptford, I do not deny; but that there is any proportionate employment, I think the Gallant Admiral will not maintain.

SIR C. ADAM. — At all events, the vote is 2500*l.* more than was expended two years ago.

Mr. BARNARD. — Sir, I believe the Admiralty have power to mitigate the evil, if not to do away with it altogether.

Vote agreed to.

"That a sum, not exceeding 21,010*l.*, be granted to Her Majesty, to defray the salaries of the officers and the contingent expenses of Her Majesty's naval establishments abroad, to the 31st day of March, 1841."

Vote put, and agreed to.

"That a sum, not exceeding 528,723*l.*, be granted to Her Majesty, to defray the wages of artificers, labourers, and others employed in Her Majesty's naval establishments at home, to the 31st day of March, 1841."

On the vote being put, —

LORD VISCOUNT INGESTRE said: — I wish to ascertain whether the system of classification is to be continued, or do the Government intend to revert to the old system of task and job?

Mr. MORE O'FERRALL. — I am not aware of any such intention. The question has been brought under the consideration of the Admiralty; and the present system, under which the shipwrights are chosen by lot, has been found to work extremely well.

Mr. BARNARD. — I had hoped that this increase in the grant of 60,000*l.* had been for the purpose of giving additional pay to the shipwrights employed in Her Majesty's yards, a body of men in whose welfare I feel much interest. But I have heard from them that their pay remains the same. And, here, I beg to remark, that I feel the delicacy of my situation; as I may be supposed to interfere between the employers and the employed. But first, Sir, as to classification, the Honourable Secretary for the Admiralty has just stated that the shipwrights are chosen by lot. It is not the manner of their being chosen, of which the shipwrights complain; but that men of equal ability, and able to perform the same work, are working alongside of each other, one at 4*s.*, and the other at 4*s.* 6*d.* per day. The Gallant Admiral below me has said that he should have no doubt that if a certain ship shall meet with heavy gales of wind, she will be found to possess all the necessary good qualities of a ship. I think, Sir, that proper encouragement should be given to the shipwrights, or else you will have boxmakers instead of shipwrights; and the ships will not answer the expectations formed of them. The comparison of the wages of the shipwrights in Her Majesty's dockyards, with those employed in merchants' yards, should be made by comparing constant men with constant men, and not by introducing that pernicious element into the calculation, the lost time of the men in the merchants' yards. Of this I complain, as being most unfair. In the merchants' yards, they have constant men; and it is with these the comparison should be made, as the men are constantly wanted in Her Majesty's yards, and not with the wages of men who are only partially employed. I had hoped, Sir, that the Honourable Member for Halifax would have introduced the system of job work into Her Majesty's yards.

[Laughter.]

I mean the system of "job" work connected with the business of a shipwright; and, although I am not here to defend the jobbing system set aside by the Right Honourable Baronet the Member for Pembroke, yet I know that a good system of job work may be introduced, by taking the ship to pieces at a certain price per ton, separating the main portions of the work; such as putting the ship on her floor riband, the frames up, the ship in frame, the wales and bottom worked down, and so on; and by having proper officers to see the work well performed. Thus the men's wages might be raised, either by setting the job work in proportion with the present rate of day wages; when, on the increase of pay, there would be a proportionate increase of work done, or in comparison with a proper rate of day wages. I hope the other grievances of which the shipwrights complain will be redressed, and that working four and a half hours a-day, they may be allowed some refreshment; for I am sure no Gentleman in this House would like to perform the hard work they do without some. I trust the classification will be done away with.

Mr. MORE O'FERRALL.—I do not think that the House is at present disposed to go into a discussion on the subject of classification; but I cannot allow the remarks of the Honourable Member for Greenwich (Mr. Barnard) to pass without an answer. The Honourable Member says, that the pay of the shipwrights in the Government yard is exceedingly low, as compared with the wages paid in private yards. I wish to state to the House, that the pay of the shipwrights was not fixed on any arbitrary principle, but on a full consideration of the rate paid in the private yards. The shipwrights in the Government yards have the advantage of constant employment; whilst, in other yards, they are not employed more than two thirds of the year. The men in the public yards have also the advantage of medical attendance in case of sickness, and an allowance during their illness, together with the privilege of entering their children as apprentices. When all these advantages are taken into account, I think that the men are better off in the public yards, at 4*s*. a-day with constant employment, than in the private yards, with only casual employment, at 7*s*. per day.

SIR GEORGE GREY.—I believe that great dissatisfaction exists in the dockyard at Devonport, with respect to classification. I know that the subject has been fully considered by the Admiralty, and I have no doubt that they have a sincere desire to do justice to the men. The great cause of the dissatisfaction is, that the first class is not large enough to comprise all the men of equal merit and equal capacity; but I consider the question to be entirely one of wages. I am not prepared to say that the Admiralty are wrong; but I trust they will give their best attention to the matter, and devise some means of allaying the dissatisfaction which at present exists.

SIR GEORGE CLERK.—Sir, it cannot be denied, that, whenever an attempt has been made to put men into different classes, it has always given great dissatisfaction. But there is another objection to the system at present adopted in the dockyards, and that is, that whilst you are giving the men 4*s*. a-day, you are not obtaining the same quantity of work for that sum as under the old system of task work, when every man was paid according to the value of his labour. I believe, that in all private yards, the shipwrights are employed on task work, which holds out an inducement to them to exert themselves to the utmost, and which produces no dissatisfaction. When the work in our dockyards was performed, under the task work system, 6000 artificers were sufficient; but now, 8400 are required, at an expense of 560,000*l*., and I very much doubt whether the same quantity of work is done, although we have an increased number of hands. I trust that the Admiralty will seriously consider the propriety of reverting to the old system, which has been perfectly successful in every merchant yard in this country, and in every naval yard throughout Europe.

Mr. W. ATTWOOD.—The Honourable Member for Devonport seems to be of opinion, that the Admiralty have fully considered this subject; but I think, if he will direct his attention to it, he will come to a different conclusion from that at which the Admiralty have arrived. The Committee will recollect, that, during the last Session, my Honourable Colleague and myself submitted several statements to the House in direct contradiction of the ground now taken by the Admiralty. We proved that the wages in the dockyards were so much below the average wages which shipwrights were capable of earning, that the House seemed to be of opinion that the rate of wages should be increased; and the Chancellor of the Exchequer intimated, that the question should receive the full consideration of the Government; thereby conveying the impression, that it was intended to improve the condition of the artificers in the dockyards. The statements then gone into were intended to show the amount earned by artificers in the country, and in the public yards, and to prove that the men in the merchants' yards, although idle one third of their time, could earn as much, during two thirds of the year, as the men in the public yards could earn in the whole twelve months; and the conclusion at which we arrived was, that employment in the private yards was the most advantageous for the men. I am convinced, that if you wish to secure the services of the best workmen, you must give them a sufficient remuneration; and I leave it to Honourable Members to decide, whether, under the present system, we are likely to procure men of competent skill. I admit that there are many artificers in the yards of great ability, but they are men who have been employed there a considerable number of years, and who do not wish to leave the locality. Had I not been prevented by indisposition from attending the House, I should have given notice of a motion on the subject; but, not having done so, I am precluded from calling the attention of the House to it in a satisfactory manner. I trust, however, that Honourable Members will seriously consider the case of the men employed in the dockyards, and endeavour to remedy the evil which is at present so justly complained of.

Mr. C. WOOD. — I do not exactly understand what impression the Honourable Member intends to convey, by referring to the assurance given by the Chancellor of the Exchequer last year. I wish to state to the Honourable Member, that the assurance then given was, that the superannuation allowance, which had been taken away in 1832, should be immediately restored; and, within a month of that time, an Order in Council was passed for that purpose. The assurance was not only fulfilled, but the order was made *ex post facto*, so as to go back to the time when the superannuation had ceased. The Committee will therefore see that here is not the slightest foundation for charging the Government with not having ulfilled the promise then made. With espect to the system of classification, I eg to remark, that the change was in-roduced by the Right Honourable Ba-onet the Member for Pembroke, when rst Lord of the Admiralty; and I have is authority for stating, that the rate of ages was fixed at the average amount eceived by shipwrights throughout the ountry, including, I admit, their lost me; which, the Honourable Gentleman ys, ought not to be included. I may ate, further, that a similar investigation as made in 1836, and the result was, at it appeared that the average earnings the King's yards equalled those in the erchants' yards. There are many men ho will earn more money in the private an in the public yards; but there are any others who earn less; and there-re, in order to affix a uniform rate, the st plan is, to take the average amount. entertain some doubts as to the system classification; but I contend that the option of the day system has prevented great waste of the public stores. I mit that there is some ground for dis-tisfaction; but the great complaints ve come only from one or two yards; and the deputations have admitted, with one or two exceptions, that if the second class received an adequate remuneration, they would rather allow the first class to remain open. So that, after all, it is a mere question of wages. And then comes the question, whether we ought to pay more? The practical test on that point is, have we any difficulty in obtaining shipwrights? If not, why should we pay men more than is necessary to induce them to enter the public yards? I do not think there is at present any difficulty in procuring men; and therefore I cannot see the necessity for raising the amount of wages.

Mr. W. ATTWOOD. — It is quite true that the Chancellor of the Exchequer referred particularly to the superannuation allowance; but he did not confine himself to that; and he was told that some more beneficial measure ought to be adopted. There is no doubt that you can secure a supply of men at 4*s.* per day; but the question is, whether they are good shipwrights; and on that question, we are completely at issue. With respect to the system of classification, I do not think that any system could be adopted more obnoxious to the men. I believe, that if you were to offer them the option of working part at 5*s.* and part at 4*s.* 6*d.* per day, they would rather receive the smaller amount than be subject to the invidious distinction between them which is now made. It has been stated, that the system was adopted in former times; but I believe that the parties principally instrumental in bringing forward the system have seen great reason to doubt the propriety of continuing it.

Mr. CORRY. — I rejoice to find that the number of artificers employed in the naval yards is at length about to be augmented; and when I consider the present condition of the fleet, I think that a still further augmentation of their number will hereafter be found indispensable. It was stated by my Right Honourable Friend the Member for Pembroke, when he was at the head of the Admiralty, that our force of line-of-battle ships was less than it had been at any period since the Revolution; and he referred to the year 1688; at which period the number of ships in commission and in ordinary was 123, — 45 more than, according to Sir John Barrow's tables, we possessed last year: and I am at a loss to understand why, with an increased and increasing mercantile marine, at once requiring additional protection, and furnishing additional means of affording it, — while other nations are sparing no expense to render their fleets more and more formidable, — so great a reduction should have been made in the number of line-of-battle ships belonging to this country. This diminution is, in a great measure, to be ascribed to the abandonment of the system of launching, year by year, three ships of the line, in order to keep up the required number of ships. If that system had been adhered to during the six years which have elapsed since my Right Honourable Friend the Member for Pembroke relinquished office, 18 ships of the line would have been launched. But what is the fact? Only 4 ships have been launched; and, in consequence of this, the force of line-of-battle ships is 14 less, at this moment, than it would have been if the present Government had followed up the former system. But, notwithstanding that the force of line-of-battle ships is thus reduced, it has been stated by the Noble Lord at the head of the Admiralty, in another place, as a triumphant answer to those who talk of the want of new ships, that he could, if necessary, send to sea 40 sail of the line, in addition to the 20 already in commission. With respect to this assertion, I wish to observe, that we should form a very erroneous estimate of the strength of our line-of-battle, if we were to consider it with reference to the number, alone, of the ships of which it is composed: the force of each ship, compared with that of ships in other navies, ought also to be taken into consideration. The total number of ships of the line, in commission and in ordinary (exclusive of the old 72-gun ships), is only 40: 20, therefore, at least, of the 60 ships which the Noble Lord said he had at his disposal, must be 72-gun ships, — a class as inferior to the line-of-battle ships of the same rating, of the present day, as the old 64-gun ships, at the beginning of the last war, were to the 74-gun ships of that period. I will not suppose any limit to what may be accomplished by British sailors; but I do say, that one of these ships would have to contend against fearful odds, alongside the smallest line-of-battle ship in the French or American navy. To show the opinion entertained by naval officers on this point, I will, with the permission of the Committee, read a short extract from a letter from an officer of high reputation, at present serving in the Mediterranean fleet. The date of the letter is December 14. 1839, at which period the English and French fleets were at anchor together off Vourla: —

> There is much talk here about the small ships lately sent to the Mediterranean, and what chance have such cribs as the seventy-two's — such as Benbow, Belleisle, Edinburgh, Hastings, &c. — against the French ships, the smallest mounting 86 guns, with 750 men; — the Hercule, the Jena, &c., 100 guns, with 900 men? Should such an event occur as a collision with the French, to say the least of it, they are most fearful odds. Englishmen will do all that may become men; but I trust the eyes of our Government may be opened before we shall have to encounter such a disparity as 100 guns and 900 men against 72 guns and 550 men.

I will venture to say this is the universal opinion of naval officers, with respect to these inferior ships; and, indeed, it has been admitted, even by the Admiralty, that they are not considered effective ships of the line. My Honourable Friend the Member for Halifax stated, last year, that they were wearing them out in peace, reserving the more powerful ships for the exigencies of war; and the Noble Lord at the head of the Admiralty stated, that if there was the slightest prospect of a rupture with France, the 72-gun ships attached to the Mediterranean fleet would instantly be replaced by larger ships from home. But the Gallant Admiral the Member for Clackmannan went still further; for he declared that, in the event of war, the 72-gun ships were to supply the want of heavy frigates, — a class of ships of war in which we are indeed most lamentably deficient. Now, if it be the intention of the Admiralty thus to employ these ships, they have no right to consider them as forming a part of the line-of-battle; and as 20 of them at least must be deducted, there will then remain no more than 40 effective ships of the line at their disposal, in the event of any sudden emergency that may arise. But admitting, for argument's sake, that they have 60 effective ships of the line at their disposal, I ask, at what former period of our history — for the last century, at least — have 60 ships been considered a sufficient force? It was stated by Sir Byam Martin, in his evidence before the Finance Committee, that, in 1793, we had 91 sail of the line; and that these were found inadequate to the early and growing wants of the Government in the formation of squadrons for the various and distant objects of protection and enterprise they had in view: and to such an extent was this inadequacy felt, that in the year 1801, just before the short peace, there were — as I find stated in a paper laid before Parliament in [illegible], — 122 ships of the line actually in commission, exclusive of ships doing harbour duty. Sir George Cockburn, also, in his evidence before the Finance Committee, pointed out the necessity of our maintaining a large fleet. He said, —

> The great difficulty England has, and her great necessity for having a large navy is, that she has colonies in every part of the world; and that we are obliged, in case of war, to send a force to every part of the world where we have commerce, which is in every part of the world.

And he added, that, in consequence of this necessity, the navy of England should be at least double that of any other nation. But we are told that, admitting our present force to be too small for the exigencies of war, there is no necessity to maintain as large a number of ships at a time of profound peace, as this is called; and my Honourable Friend the Member for Halifax stated, last year, that the number of ships had been diminishing since the peace; that they, like everything else, had been coming to what was considered a peace establishment. Now, I must say, that I think the system of making any considerable reduction of the number of ships in ordinary, during peace, a very mistaken policy. One of its unavoidable consequences must be, that our commerce, our colonies, and even our own shores, will be left without sufficient protection, for a year, at least, at the commencement of a war; and it can hardly be argued that the proper time to think of building ships is when you want to send them to sea with the utmost expedition. I think this view of the question goes far to prove that the system of reducing the number of ships in ordinary to a peace establishment is not a wise one; and I have the strongest grounds for saying that it is also at variance with former practice. Sir Byam Martin, whose authority no one will question, stated, —

> That at all former periods of peace, the efforts of England were unremitted in bringing the navy into a formidable state, particularly between 1783 and 1793.

I have endeavoured to ascertain to what extent the efforts of England had then been carried; and I am informed, by a paper which was laid before Parliament in 1805, that, in that interval of peace of ten years' duration, from the conclusion of the American till the beginning of the last war, 42 sail of the line and 45 frigates were launched. I have not been able to ascertain what number of ships of the line were launched during the twelve years of peace which preceded the American war; but the fact that the force of line-of-battle ships belonging to England at the commencement of that war was 123 (upwards of 45 more than we have now), is conclusive evidence that the system of reducing the number of ships in ordinary to a peace establishment was not then the practice. The evidence that this system is inconsistent even with economy is equally conclusive. Its inevitable result must be the necessity of having recourse to merchant builders in the event of war, — a necessity from which, during the last war, the finances of this country suffered most severely. Sir Byam Martin traced to this source "the alarming decay of ships during the war, from the use of unseasoned timber; and the consequent waste of millions of money." He traced, also, to the use of unseasoned timber a great increase of sickness among the crews, — a consideration, I presume, of some importance. Sir Byam Martin went on to say, —

> I may therefore say, with propriety, that the period of peace is the proper time to provide such an ample stock of line-of-battle ships as may prevent the risk of again falling into the hands of merchant builders.

The evidence of Sir John Barrow, also, before the same Committee, was to the same effect. He said that —

> In the year 1805, when there were no hopes of sending a sufficient fleet to sea, the late Lord Melville ordered a contract to be made with the merchant builders for forty 74-gun ships. These ships were contracted for by the Navy Board at 34*l.* a ton, the common price then being about 24*l.*; but, in consequence of the necessity of the state, the contractors, as usual, took the advantage, and the Admiralty could not get them for less.

This statement is verified by a paper laid before Parliament in 1805, being an estimate of the comparative cost of building a 74-gun ship in Deptford yard and in a merchant's yard, — from which it appeared that the estimate in the King's yard was 43,359*l.*; in the merchant's yard 62,430*l.*, — the difference being, for each ship, 19,071*l.* The result of all this was, that there occurred, in the navy estimates for the year 1807, the following item: — "For building ships in merchants' yards, and other extra expenses, 2,134,903*l.*" I think it impossible to have stronger evidence than this to prove that the system of reducing too low the number of our ships will eventually prove inconsistent even with economy; and if there be any Honourable Members so dead to every nobler feeling, and so regardless of every higher consideration, as to consider this a question of pounds, shillings, and pence, they may depend upon it that we can commit no one act more calculated to involve us in hostilities than that of allowing our naval strength to be reduced so low as to inspire other nations with the belief that we are no longer in a condition to vindicate our naval supremacy; and I need not add, that, if such should be the result of our parsimony, a war of even one year's duration will cost us more than the expense of maintaining the fleet in a state of efficiency to the end of the present century. I have stated that, in my humble opinion, we have been too remiss in building ships of the line; but I think we have been still more so in respect to frigates. We have, indeed, a long list of this description of ships of war; but, on examination, it will be found that it chiefly consists of comparatively small vessels; and that, in building frigates of the larger classes, we are by no means keeping pace with the progress of other nations. It is stated, in Sir John Barrow's tables, published last year, that, of frigates of the first and second classes, mounting fifty guns and upwards, actually built, America had 15, France 25, England only 19; America was building 18, France 17, England 2. In short, France and America had 40 frigates, mounting fifty guns and upwards, whilst England had only 19. They were building 35; England, 2. And if we continue thus indifferent to what is passing around us till these preparations shall be completed, France and America will have 75 of these heavy frigates, while England will have but 21 to oppose (in the unfortunate event of a war with these countries) to that overwhelming force. The Gallant Admiral opposite has, indeed, told us that this service is to be allotted to the 72-gun ships; but, not to mention other objections to this expedient (of which there are many), the 72-gun ships are all old ships, nearly worn out, whose services cannot, therefore, much longer be available; and I therefore think there is an urgent necessity for increasing the number of frigates of the larger classes. No one can be more averse than I am to an inconsiderate and wasteful expenditure of public money; and I do not now ask for naval establishments on a scale of unnecessary or extraordinary magnitude; but I do think that it is nothing short of madness that we, whose strength and security is our fleet, should tamper with its efficiency, from motives of misplaced economy; and I earnestly trust that they who are responsible for the condition of the navy are about to adopt the advice given them last year by my Right Honourable Friend the Member for Tamworth, and to take such measures as will enable the naval force of this country to advance in a manner corresponding with that of other nations.

Vote agreed to.

"That a sum, not exceeding 28,330*l.*, be granted to Her Majesty, to pay the wages of artificers, labourers, and others employed in Her Majesty's naval establishments abroad, to the 31st day of March, 1841.

"That a sum, not exceeding 1,038,666*l.*, be granted to Her Majesty, to defray the expense of naval stores for the building, repair, and outfit of the fleet, the purchase of steam machinery, and for other purposes connected therewith, to the 31st day of March, 1841.

"That a sum, not exceeding 193,174*l.*, be granted to Her Majesty to defray the charge of new works, improvements, and repairs in the naval yards, to the 31st day of March, 1841.

"That a sum, not exceeding 17,669*l.*, be granted to Her Majesty to defray the charge of medicines and medical stores, to the 31st day of March, 1841."

Votes severally agreed to.

"That a sum, not exceeding 110,130*l.*, be granted to Her Majesty to defray the charge of divers naval miscellaneous services, to the 31st day of March, 1841."

On the vote being put, —

Mr. HUME said: — Sir, I wish to ask whether the contracts relative to the West India packets have been signed?

Mr. M. O'FERRALL. — The contract for the conveyance of the mails to Halifax has been signed, but that to which the Honourable Member alludes has not been signed.

Mr. HUME. — I should be sorry to hear of the contract being signed without some further inquiry.

The CHANCELLOR of the EXCHEQUER. — Perhaps the Honourable Member will give notice of a motion on the subject.

Mr. HUME. — Sir, I really think the Government ought to appoint a Committee, and receive all the evidence which may be offered. We ought not to involve ourselves in a contract of this kind for so many years, whilst we are in ignorance of what may be about to take place in the progress of steam navigation.

The CHANCELLOR of the EXCHEQUER. — If the Honourable Member will undertake to bring the subject before the House, the contract shall be suspended for the present.

Mr. C. WOOD. — Sir, the subject to which the Honourable Member for Kilkenny alludes has received the most deliberate consideration; and I believe every possible source of information has been resorted to. I can only say, that no offer was made by any other individuals, either for the whole or any part of the contract. The Halifax contract was put up for competition; but the terms on which we obtained it by private contract were infinitely more favourable; and I believe it was a fair bargain for the country. I recollect the Honourable Member stating that 100,000*l.* had been offered to the parties to transfer the contract now in contemplation. That certainly is not the case. The parties have only just been able to enter into the necessary engagements, because they were unable, until within the last few days, to induce parties to take the remainder of their shares, — a proof that the bargain is not very disadvantageous to the public. I trust the Honourable Gentleman will not delay the contract by inquiry; for no further information can be obtained.

Mr. WARBURTON. — Sir, I hope my Honourable Friend the Member for Kilkenny will bring forward a motion on this subject; for I think the Government ought not to enter into a contract on this subject, without laying the grounds of it before Parliament.

Mr. HUME. — I understand that the lines pointed out for the packets are not likely to be profitable; and I am very desirous that further inquiry should be made before the country is saddled with an expense of 200,000*l.* for the conveyance of mails.

Vote agreed to.

"That a sum, not exceeding 758,657*l.*, be granted to Her Majesty, to defray the charge of half pay to officers of the navy and Royal marines, which will come in course of payment during the year ending on the 31st day of March, 1841."

On the vote being put,

Mr. GISBORNE said: — As we have now got through the votes for the effective department of the navy, I hope there will be no objection to your reporting progress; because I wish to make some observations with respect to the non-effective service, which I should be very unwilling to do at this late hour, and in the present state of the House. I believe that the reductions, which have hitherto taken place, have been very unsatisfactory to the country at large; and I wish to have the opportunity of giving full expression to my opinion on the subject. Unless I have some assurance that I shall be able to do so on bringing up the Report, I shall certainly move that you report progress.

Mr. M. O'FERRALL. — I trust the Honourable Member will not oppose the remaining votes. I will undertake to bring up the Report at such an early hour as to afford every facility to the Honourable Member for any remarks which he may think proper to make.

Vote agreed to.

"That a sum, not exceeding 512,355*l.*, be granted to Her Majesty, to defray the charge of military pensions and allowances, which will come in course of payment during the year ending on the 31st day of March, 1841."

Vote agreed to.

"That a sum, not exceeding 187,263*l.*, be granted to Her Majesty, to defray the charge of civil pensions and allowances, which will come in course of payment during the year ending on the 31st day of March, 1841."

On the vote being put, —

Mr. HUME said: — I am sorry to complain that the reduction made under this head, after so many years of peace, is very trifling; and I am convinced, that so long as this department has the power of granting pensions, we shall have no remedy. The amount paid in pensions is enormous; and it will be necessary to bring the matter fully before the House. For my own part, I think it would be better to do away with these pensions altogether. There is no limit to the naval establishment; and the Admiralty have the power of creating any amount of pensions which they please. I must also complain, that the marines are treated differently from the navy; for whilst not one officer in fifty in the marines is promoted, in the navy, promotion is carried to almost as great an extent as it was during the war. I intend shortly to move for a Return of all pensions, civil and military, with which the people of England are burdened; and the amount will really astonish the country. I do not blame the Government, who are holding back; but I do blame Honourable Gentlemen on the opposite side, who are calling for new line-of-battle ships. Amongst the supporters of an increased naval armament I find the Honourable Member for East Kent (Mr. Plumptre), who ought to be one of the last men to urge the Government to make large preparations for war. I think the Honourable Member must have forgotten the opinions of those with whom he has been so long associated. I belong to a society of the friends of peace; but the Honourable Member seems to belong to those who are partial to war. The Government ought to consider that those who are now urging them to increased expenses, will be the last men to support them when new taxes are proposed to meet these expenses.

Mr. PLUMPTRE. — I trust that I am not altogether unmindful of the precepts to which the Honourable Gentleman alludes; but I think the best way to maintain peace is to be better prepared for war than this country is at present.

CAPTAIN BOLDERO. — I wish to call the attention of the House to an order of the Admiralty, which affects the mates in the navy. It directs that, in future, the names of all mates who shall remain out of the service for more than one year, without applying for an appointment, shall be removed from the official register, and they shall be considered as having relinquished the naval service, unless the board shall be satisfied that the omission has proceeded from unavoidable causes. I think this a discretionary power which is extremely detrimental to the service. The mates cannot exist on what you give them; and they go abroad in private vessels, and sometimes are unable to apply, in consequence of their absence. If a mate go out of the country, he ought to have the privilege of making an application on his return.

CAPTAIN PECHELL. — I think this arrangement is for the advantage of the parties concerned; as it tends to retain them in the service, and prevents them from forfeiting their chance of future promotion. Mates and midshipmen, under these circumstances, have not much difficulty in getting a ship. It is quite true that midshipmen's pay is "nothing at all, and find yourself;" but this is one of the long-established inconveniences of the service.

Vote agreed to.

"That a sum, not exceeding 174,374*l.*, be granted to Her Majesty, to pay the freight of ships and transports, and other charges; for the victualling and conveyance of troops and stores, on account of the army and ordnance departments, which will come in course of payment during the year ending on the 31st day of March, 1841.

"That a sum, not exceeding 68,841*l.*, be granted to Her Majesty, to defray the expense of conveying convicts to New South Wales and Van Diemen's Land, which will come in the course of payment during the year ending on the 31st day of March, 1841."

Votes agreed to.

SIR C. ADAM. — Sir, I wish to set myself right with the Honourable Member for Kilkenny as to the monthly allowances to the seamen. I stated, on a former night, that the allowance was 4*s.* per month; but, in some cases, it is as high as 16*s.* per month. I hope, therefore, it will be perfectly satisfactory to the Honourable Member to know that the amount cannot be less than 4*s.*, and may be 16*s.*

Mr. HUME. — I wish to have some regular settlement with the seamen every six or twelve months. You are now treating them like children.

CAPTAIN BOLDERO. — Sir, before you leave the chair, I wish, first, to ask the Noble Lord opposite whether he will give the House clearly to understand that the Report of the Military and Naval Commission will be laid upon the table in the course of a fortnight?

VISCOUNT PALMERSTON. — I cannot say when it will be ready, as I have nothing to do with the Commission; but I have no doubt that it will be laid on the table as soon as possible.

The House then resumed; resolutions to be reported this day; Committee to sit again on Wednesday.

SUPPLY.

Report (28th February) deferred till this day.

WAYS AND MEANS.

Committee deferred till Wednesday.

INLAND WAREHOUSING BILL.

Mr. LABOUCHERE. — Sir, as the Right Honourable Gentleman the Member for the University of Cambridge, who has given notive of a motion to refer the Inland Warehousing Bill to a Select Committee, is not present, I will not now propose the second reading. I am willing to refer the Bill to a Committee; but I think the more convenient course would have been, to ascertain the sense of the House, in the first instance, on the principle of the measure. I hope that no time will be lost in moving for and naming the Committee, as it is desirable that the subject should be brought under the consideration of the House as speedily as possible. I trust, therefore, that some Honourable Member will move for the Select Committee at once.

SIR GEORGE CLERK. — It was the intention of my Right Honourable Friend to move for the appointment of a Committee on the second reading, because he was desirous that some inquiry should take place, before the House affirms the principle of the Bill.

Mr. LABOUCHERE. — Sir, if there is no objection, I will now move that the Committee be appointed. I am quite sure that the Right Honourable Gentleman does not mean to interpose the Committee for the purpose of delay; and if he considers that the subject will be more thoroughly investigated by a Committee upstairs, than in Committee of the whole House, I have no objection to the inquiry. I therefore move that a Select Committee be appointed "to consider the practicability and expediency of extending to inland towns the privilege of warehousing goods, and the regulations and restrictions with which such a measure, if practicable, should be accompanied, in order to give effectual security to the revenue, and to afford equal advantage to the trading interests in different parts of the country."

Agreed to; Committee to be nominated this day.

SEWERS.

Mr. CHRISTOPHER. — In moving for leave to bring in a Bill to consolidate and amend the laws relating to sewers in England and Wales, I will merely observe, that its provisions are very nearly the same as those introduced in the Bill of last year, which was referred to a Select Committee, printed, and circulated throughout the country.

Mr. HODGES. — Sir, I do not mean to oppose the motion; but I trust the Honourable Member will give ample time for a full consideration of the subject.

Mr. CHRISTOPHER. — I have no particular desire to press the measure forward. I intend to adopt the course pursued last year, to move that the Bill be printed, and to refer it to the same Committee; so that there will be the fullest possible opportunity for examination.

Motion agreed to; Bill ordered to be brought in by Mr. Christopher and Lord Worsley. Subsequently presented, and read a first time; to be read a second time on Monday, 16th March, and to be printed.

SETTLED ESTATES DRAINAGE.

On the motion of Mr. Pusey, Bill "to enable the Owners of settled Estates to defray the Expense of draining the same, by way of Mortgage," ordered to be brought in by Mr. Pusey and Mr. Handley. — Bill subsequently presented, and read a first time; to be read a second time on Wednesday, 11th March, and to be printed.

APPOINTMENTS (PUBLIC DEPARTMENTS).

COLONEL SIBTHORP. — Sir, pursuant to the notice which I have given, I beg to move for a Return "of all the appointments, exceeding in value the sum of 200*l.* per annum, that have been made in the various public departments, including the household appointments, with the names and dates of such appointments; together with the several salaries and allowances granted to, or received by, each, from the 1st day of January, 1830, to the present period."

An Honourable Member. — Sir, I second the motion.

Question put.

The CHANCELLOR of the EXCHEQUER. — I certainly have no objection to the Returns, although a considerable time will be requisite for their production; but as the intention of the Gallant Officer is to make some attack on the Government, I think the fair way would be, to have ten years on each side; and that it would be better to order the Returns from 1820.

COLONEL SIBTHORP. — I have no hesitation in saying, that my object is to procure information, for the purpose of making an attack upon the Government. The Right Honourable Gentleman objects to the Return, because it will be attended with considerable trouble; and yet he proposes to extend the period embraced by it, from ten to twenty years. The fact is, that the Right Honourable Gentleman flinches from inquiry; but if he intends to oppose the Return, I will take the sense of the House upon it. I wish the country to know into what sort of hands the official patronage of the Government has fallen; and if the Government will not give me the Return, I am quite ready to pay for it out of my own pocket. If the Right Honourable Gentleman will not grant me the Return, in the terms in which I ask it, I will take the opportunity of moving for it on the first motion for going into Committee of Supply. "Let the galled jade wince, my withers are unwrung."

The CHANCELLOR of the EXCHEQUER. — Sir, my objection is, that the Return will not show what the Honourable and Gallant Gentleman requires. If we are to have a Return, I beg to move that it be made out from 1820.

Return, from 1820, as amended, ordered.

EAST INDIA PRODUCE.

On the motion of SIR R. JENKINS, Committee nominated:— Sir Richard Jenkins, Sir George Grey, Mr. Hogg, Sir James Graham, Mr. Crawford, Mr. Gladstone, Mr. Irving, Mr. Mark Philips, Mr. Goulburn, Lord Viscount Sandon, Lord Seymour, Mr. Clay, Mr. John Elliot, Mr. Brocklehurst, and Mr. Ewart. — Power to send for persons, papers, and records; five to be the quorum.

ORDNANCE STORES.

Order (27th February) for Return relative thereto, read, and discharged.

Adjourned at half after twelve o'clock.

HOUSE OF LORDS, Martis, 3° die Martii, 1840.

APPEALS.

Tennant and Company *v.* Forth and Clyde Canal Navigation Company.—Considered, and interlocutors affirmed.

Countess of Dalhousie *v.* M'Dowall.—Further heard, and adjourned to Thursday next.

CHARD CANAL BILL.

Read a third time, and passed.

TRUSTEES OF STANLEY'S CHARITY.

Petition of, for a Bill.—Read, and referred to two English judges.

PROMOLI'S NATURALISATION BILL.—HAUSBURG'S NATURALISATION BILL.

Reported, without amendment, and Bills to be ingrossed.

VAGRANTS' REMOVAL BILL.

Read a second time, and committed to a Committee of the whole House on Thursday next.

BEAUMONT BARONY.

Committee for Privileges to meet on Thursday, the 19th instant.

WOLVERHAMPTON CHAPEL BILL.

Read a second time, and committed for Thursday.

WARR'S DIVORCE BILL.

Second reading (which stands appointed for Friday, the 13th instant) put off to Monday, the 16th instant; and the Lords summoned.

POOR LAWS AMENDMENT ACT.

The Duke of Devonshire presented a petition against any alteration in the principles of the law,—of guardians of the Belper union.—Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The Earl of Kinnoul presented petitions against alteration of the law of patronage,—of landed proprietors, justices of the peace, and others of Blairgourie: of heritors, schoolmasters, elders, and others of Oyne: of heritors, elders, and others of chapel of Garioch: and of licentiates of the Church of Scotland, and students of divinity resident within the bounds of the presbytery of Alford.—Read, and ordered to lie on the table.

The Duke of Richmond presented petitions in favour of the principle of non-intrusion,—of the reverend the presbytery of Dunfermline: of the presbytery of Greenock: of ministers, elders, and others of Aberdeen: of ministers and elders of the presbytery of Irvine: and of inhabitants of Nigg; Fittercairn; Kinnettles; Strachan; Drumonk; Marykirk; Lundie; Botriphnie; Garvock; Birse; Oyne; Stracathrone; Ellon; and Udny.—Read, and ordered to lie on the table.

FROST, WILLIAMS, AND JONES.

Lord Lyndhurst presented a petition of inhabitants of Saint Pancras, praying that this House will present an Address to Her Majesty, for the pardon of said convicts.—Read, and ordered to lie on the table.

UNION WORKHOUSES.

The Marquess of Lansdowne presented petitions for alteration of the law respecting the rating of,—of owners of property and ratepayers in the Droxford union; and of guardians of the Devizes union. — Read, and ordered to lie on the table.

CORN LAWS.

The DUKE of RICHMOND. — My Lords, I hold in my hand petitions against any alteration in the present corn laws, from the several owners and occupiers of land in Earnley, West Itchenor, Middleton, Westhampnett, East Lavant, Boxgrove, Barnham, Binderton, Aldingbourne, Apledram, West Stoke, Westwittering, Newfishbourne, Upwaltham, Eastergate, and Eastdean. I need not say that I cordially agree in the prayer of the petition; and I hope that the farmers of this country will lose no time in forwarding to both Houses of Parliament petitions embracing the same opinions on the subject; for they must be aware that persons are going through the country lecturing on this question, and getting persons to sign petitions, who, in reality, know very little about what they are signing. I trust, therefore, that the farmers will immediately do as they did last Session, — humbly petition both Houses of Parliament not to accede to the wishes of those who are desirous of repealing the corn laws. That would be the wise and proper course for them to pursue; and I am confident that, if they adopt it, their efforts will produce the same successful result which attended them last year.

Severally read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The EARL of GALLOWAY. — My Lords, I rise to present a petition from the Protestant Association of Edinburgh; and as it is very short, and the subject is of importance, I beg leave to read it. The petitioners pray for an inquiry into the nature and tendency of the books used as class books at Maynooth College; and set forth that, if those books are such as they have been described to be, it is inconsistent with the duty of a Christian Government any longer to supply funds for the support of that college; and that they consider the existence of such an institution to be a vile blot on the national institutions. My Lords, in laying this petition before your Lordships, I do not pretend to be acquainted with the books in use at the college of Maynooth; but I have no hesitation in asserting that, if the books are of such a nature as is stated in this petition, it is a subject that ought, at once, to be dealt with by Parliament. In presenting this petition, I beg it to be observed that I entertain no hostile feelings towards the Roman Catholic body. Indeed, I was one of those who, from the very first, entertained a conscientious opinion in their favour; and in the other House I have voted in favour of what was called Catholic emancipation, — a measure which, I am sorry to say, has not produced those happy results that were anticipated from it by the many Protestants who supported it. Of this, however, I have no doubt, that a Roman Catholic college, established for purely Roman Catholic purposes, is inconsistent with the security and safety of a Protestant state. I am aware that the first endowment of such a college took place under a Tory Government; I do not, therefore, cast any blame on the Noble Viscount. I think, however, it has now become our duty to discontinue the grant, seeing that its continuance is inconsistent with the public safety. Extracts from the books to which I have alluded were read at an influential meeting which was held in this city some time ago; and they were found to agree with the allegations contained in the petition. The subject-matter of the petition is, therefore, a proper subject for serious inquiry. About a month ago, a Right Reverend Prelate moved —

> That an humble Address be presented to Her Majesty, praying that her Majesty will be graciously pleased to command that inquiries be made into the diffusion of blasphemous and immoral publications, and especially into the tenets and proceedings of a society under the name of Socialists, which has been represented in petitions to this House to be a society the object of which is, by the dissemination of doctrines subversive of morality and religion, to destroy the existing laws and institutions of this realm.

To that Address Her Majesty was pleased to return the following most gracious answer: —

> I will give directions that inquiry be made into the important matters which form the subject of your Address; and you may rely upon my determination to discourage all doctrines and practices dangerous to morality and religion.

Now, I found my appeal for inquiry in this case on the Address which I have read, and the gracious answer in reply to it. I hope that an inquiry will be instituted on this subject, in order that no further public grant shall be continued for the support of this college, if, as has been described, and as I believe to be the fact, books are used in it which promulgate doctrines dangerous to morality and the welfare of society.

Petition read, and ordered to lie on the table.

KEW BOTANIC GARDENS.

The EARL of ABERDEEN. — My Lords, I wish to ask the Noble Viscount opposite a question, on a subject which, although of no political importance, is, in my opinion, intimately connected with the dignity of the Crown. It is relative to a subject which is, in some degree, if not directly, connected with the situation which the Noble Viscount opposite (Lord Duncannon) holds. I allude to the Royal Botanic Gardens at Kew. I have heard many reports, with respect to the intention of the Government to abandon and destroy that fine establishment. I should have given little or no credit to those reports, if I had not been informed that an offer was made to a horticultural society of this city to give up to them the plants in the gardens, on certain conditions. That society is very well known for their anxiety to forward horticultural pursuits; but they have, nevertheless, declined the offer. They have refused to become parties to a transaction which had for its object the destruction of those gardens. My Lords, I consider the Botanic Gardens at Kew to be maintained by the public as a part of the state and dignity of the Crown, which ought by no means to be alienated from it. I know not what expense this establishment may entail on the Civil List; but I should be happy to see assistance given by the country, if necessary, in support of an object of this description. I have received communications from various scientific institutions on this subject, proving it to be one of general interest. It may be, perhaps, considered presumptuous in me to offer advice; but if I were consulted, so far from desiring to destroy this establishment, I should think that Her Majesty could not favour a better object than the protection, encouragement, and cultivation of that delightful science with which those gardens are connected. I now ask the Noble Viscount who is at the head of the department of Woods and Forests, whether any such intention as that to which I have alluded at present exists? or whether the tacit reproof administered by the Horticultural Society, to whom the offer was made, has induced the Government to forego their original intention?

VISCOUNT DUNCANNON. — I beg to inform the Noble Earl that the Botanic Gardens at Kew are not under the control of my department. But I can assure the Noble Earl, that there is, not only not the least intention, now, to break up those gardens, but there never has been any such intention. Indeed, the attempt would be next to impossible; for a great many of the plants could not be removed without insuring their destruction.

The EARL of ABERDEEN. — I have no wish to allege anything against the Noble Viscount's department, which I believe to be the best managed under the Government; though, perhaps, that is not saying a great deal in its favour. The Noble Viscount has informed your Lordships that these gardens do not come within the range of his department. It therefore may be supposed that the Noble Viscount is not aware of all the circumstances of the case. Now, I can assure the Noble Viscount that an offer of the plants was made to the Horticultural Society of London; that that society has refused the offer so made, thinking it would be injurious to the public interests that the establishment should be so broken up. The Noble Viscount has asserted that the plants could not be removed without great danger. That may be the case with a few; but the great portion could be transferred to any other garden with ease. There cannot be a doubt that the offer of the plants was made to other societies on certain conditions, — such, for instance, as that the public should be admitted freely to the gardens one day in the week, or something of that sort. I am, however, most happy to find that the project has been abandoned.

VISCOUNT DUNCANNON. — Although the care of the gardens is not in my department, I have the authority of the Lord Steward for stating that no intention of breaking up the gardens now exists, or has existed.

MUNICIPAL CORPORATIONS (ENGLAND).

The MARQUESS of SALISBURY.— During the last Session, I had occasion to present a petition to the House on the subject of compensation to be granted to the late town clerk of Sandwich; but, since that time, it appears that no steps have been taken in the matter. I wish to be informed by the Noble Viscount opposite what determination the Government has come to?

VISCOUNT MELBOURNE. — I beg

to inform the Noble Marquess that the subject is still under consideration.

EXCHEQUER PAPERS.

LORD REDESDALE. — I wish to ask the Noble Lord at the head of the Exchequer department, whether any means have been adopted for the preservation of the important documents connected with that department? I have been informed that an enormous destruction of Exchequer papers has lately taken place.

LORD MONTEAGLE. — I can assure the Noble Lord that the documents which have been lately destroyed were, for the most part, duplicates of documents connected with ancient proceedings in the Exchequer. They were not destroyed until there had been a full inquiry and due deliberation upon the subject. Two gentlemen, competent to the task, were appointed to make the inquiry. They have reported on the subject; and if the House require it, there will be no objection to furnishing the Report.

LORD REDESDALE. — I do not think that even the ancient documents of the Exchequer should have been destroyed by so summary a process. If an investigation were necessary, it should have been intrusted to the authorities at the British Museum, instead of giving to two individuals an unlimited power of destruction.

HORSE RACING ACTS (IN PART) REPEAL BILL.

The DUKE of RICHMOND. — My Lords, I have to request your Lordships to permit the first reading of a Bill which has been rendered necessary by certain late transactions of a vexatious character. An Act was passed in 1740, which prohibited any person from running more than one horse in a race, or from running any horse otherwise than in his own name. That Act, up to the present time, has never been carried into effect. Neither, indeed, could it be; because, if a person had bought a horse under an engagement, it must run under that engagement, as a matter of course. Yet, according to this statute, the horse so running would be forfeited, and the owner would become liable to a penalty. The Act was hardly known, indeed, until some very clever solicitor lately ferretted it out, and served notice of action upon six gentlemen under its provisions. Now, according to this law, the member for a borough or county subscribing 10*l.* or 20*l.* to the races held there is liable to a penalty, or any number of gentlemen entering for a sweepstakes. His late Majesty, who kept racehorses for the purpose of encouraging an amusement which all could enjoy, and of maintaining the breed of horses, frequently ran three horses in one race, and that in the name of the Master of the Horse. His Majesty, by doing so, was liable, under this Act, to one of the penalties and the forfeiture of the horses; and the Earl of Albemarle to another penalty. My Lords, the Act has clearly fallen into desuetude, and therefore I call on your Lordships to repeal so much of it as can be made an instrument for litigation; else it will be made use of to extort money from persons who are perfectly ignorant of its existence. The Bill which I have now the honour to introduce will go to repeal that part of the 13th of George II. which contains the enactments to which I have referred. I have adopted the precedents afforded by a Bill brought into Parliament by Sir W. Follett some time ago, and another introduced last year by the Attorney General,— the one relating to pluralities, the other concerning newspapers; so that, in the case of actions already instituted, the party prosecuting may get his costs, but not recover the penalties. I trust I have given sufficient explanation of the objects of the Bill to induce your Lordships to allow it to be read a first time.

Bill read a first time, to be read a second time on Thursday, and the Lords summoned.

PAPERS, &c.

On the motion of the DUKE of RICHMOND,— Return of the number of stage coaches which have, during the last three years, been permitted to pass on turnpike roads free of tolls, in consequence of carrying letters.

GAOLS.

Annual Reports respecting.—Delivered (pursuant to Act), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were severally presented, and read a first time, and ordered to be read a second time; namely, —

Glasgow Poor Rate Bill, — "For explaining, altering, and amending the Mode of Assessment for the Maintenance of the Poor within the City of Glasgow."

Thriplow Inclosure Bill, — "For inclosing Lands in the Parish of Thriplow, in the County of Cambridge."

Aston Small Debts Bill, — "For the more easy Recovery of Small Debts within part of the Parish of Aston, in the County of Warwick, and in the adjoining Parishes of Kingsnorton, Northfield, Handsworth, and Harborne."

Exeter Roads Bill, — "To amend the Provisions of the Acts relating to the Turnpike Road leading to and from the City of Exeter, and for making a new Branch Road to communicate therewith."

Reports from the Select Committee on Standing Orders, in the following cases, were severally read, and Bills ordered to be brought in, as follows: —

Clyde Navigation — (24th February), By Mr. Lockhart and Mr. Colquhoun.

Ardrossan and Johnstone Railway — (28th February), — By Lord James Stuart and Mr. Colquhoun.

Northern and Eastern Railway — (24th February), — By Mr. Ward and Mr. Marshall.

Reports on the following Bills were severally considered, amendments agreed to, and Bills ordered to be ingrossed: —

Chester and Birkenhead Railway Bill — (Prints having been delivered on Tuesday, 25th February).

Lancaster and Preston Railway Bill — (Prints having been delivered on Tuesday, 25th February).

Sheffield and Rotherham Railway Bill — (Prints having been delivered on Friday, 28th February).

Petitions for Bills, in the following cases, were severally reported, and Bills ordered to be brought in, as follows: —

Bristol Building and Improvement, — By Mr. Philip Miles and Mr. Francis Henry Berkeley.

Wicken Inclosure, — By Mr. Eaton and Mr. Yorke.

Dartford Navigation,—By Mr. Hodges and Sir Edmund Filmer.

Mill Bay (Devon) Pier, — By Mr. Bewes and Mr. Collier.

Great Milton Inclosure, — By Lord Norreys and Mr. Thomas Parker.

New Zealand Company, — By Mr. Francis Baring and Sir George Sinclair.

Herculaneum Docks Regulation, — By Lord Viscount Sandon and Mr. Wilson Patten.

Ayr Waterworks, — By Lord James Stuart and Mr. Wallace.

Barkston Ash, &c. Court of Requests, — By Mr. Bethell and Sir George Strickland.

Port Talbot Harbour; Old Brompton (Victoria) Kensington Roads. — Petitions for Bills reported; Reports referred to the Select Committee on Standing Orders.

Thames Tunnel. — Petition for leave to present a petition for a Bill; referred to the Select Committee on Petitions for Private Bills.

Rotherhithe Burial Ground Bill. — Reported; to be ingrossed.

Brighton Small Debts Bill.— Reported, and recommitted to the former Committee. — Leave to Committee to sit and proceed, and to report to-morrow.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. —

Read a second time, and committed to Mr. Dugdale and the Warwick list.

Whittlesea Inclosure Bill. — Read a second time, and committed to Mr. Townley and the Cambridge list.

Thames Plate Glass Company Bill. — Committee on Bill revived; leave to sit and proceed on Friday.

The following petitions were severally presented, referred to the Committees on the Bills, and counsel ordered; namely,—

Maiden Newton Roads Bill, — Against, — from proprietors of lands in Dorchester and Charminster; mortgagees of tolls on the Weymouth, Melcombe Regis, and Dorchester turnpike roads; trustees of the Weymouth, Melcombe Regis, and Dorchester turnpike roads; and, owners and occupiers of lands in Fordington.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill, — Of magistrates and council of Newton upon Ayr, against.

Birmingham and Wyrley Canals Union Bill, — Of the company of proprietors of the navigation from the Trent to the Mersey, against.

Edinburgh Gas Bill, — Of William Henry Miller, Esquire, against.

Holborn Hill and Skinner Street Improvement. — Petition of trustees of certain property called the Thavie Estate, in St. Andrew's, Holborn, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

Railways. — Petitions for free competition, — from Wolverhampton; and Birmingham. — Referred to the Select Committee on Railway Communication.

EDINBURGH GAS BILL.

Mr. KELLY. — I move, Sir, "That it be an instruction to the Committee on the Edinburgh Gas Bill to receive and entertain the petition of William Henry Miller, Esquire."

Mr. GREENE. — I feel it my duty to resist this motion. The petitioner complains that, not having been aware of the proceedings in this case, he only arrived in London yesterday, when he found the Bill before the Committee. Now, inasmuch as the House has directed that certain notices should be given in the cases of "all" private Bills, for the information of all parties concerned; and inasmuch as that rule has been complied with in this instance, I do not think the House can listen to an application of this kind, made, not to say at the last moment, but when the Bill is actually before the Committee. If such applications be attended to, in contravention of the resolutions of the House, much inconvenience, I am convinced, will be the result. It is of great importance that the parties to Private Bills should be informed, some days beforehand, whether the Bill is to be opposed or not; and ample opportunity is afforded to all persons interested to come forward in time. It may very well answer their purpose to keep back until the last moment; but I do not think the practice should be sanctioned, merely on the ground that they were at a distant part of the country, and could not be in town sooner.

SIR GEORGE CLERK. — I think, Sir, that this is a case which calls for the interference of the House. The petitioner is a gentleman who has property in the immediate vicinity of Edinburgh, which will be seriously affected by this Bill. He was residing in the south of England at the time he received notice, from his agent, of the particular clause which so affects his property. He came to town, immediately, upon the receipt of that notice, to defend his rights. He only arrived this morning; but he then found that the Committee had assembled yesterday, and that if the House adhered to the rule which was made at the beginning of last month, he would be absolutely precluded from appearing before them on his own behalf. The objectionable clause confers a power upon a certain gas company to turn a quantity of deleterious matter into a stream which flows through his property; which power he wishes to be withdrawn from the Bill. He will offer no opposition to the Bill on any other ground; and he has reason to believe that the supporters of the Bill will not very strenuously oppose the alteration he wishes to be made in that clause, and which a few words will effect. Under these circumstances, as that provision will materially prejudice his property, while it will be of very slight consequence to the gas company, I do hope the motion will be agreed to.

Mr. FINCH. — I do not think sufficient grounds have been stated to induce the House to consent to this motion. The clause of which the petitioner complains has actually passed the Committee; and if, as stated by the Honourable Baronet, a few words will remedy the objection to that clause, surely it would be better to propose that alteration when the Report shall be before the House, than to call upon the House now to infringe the resolution it passed at the commencement of the Session.

Mr. ESTCOURT. — According to the Standing Orders, no petition shall be received unless it be presented three clear days before the Committee meets; but if anything arise during the progress of the Committee, then a petition may be presented and accepted by the House, and referred to the Committee. What is the case here? The Standing Orders have been complied with; the notices have been given; everything has been done; — and then the petitioner says that, indeed, he was in a distant part of the country. That is an excuse which can be set up upon almost every occasion. Persons may say they were in France or elsewhere, and could not get the necessary information in time to be here to attend to their interests. But, if a man has property in Edinburgh of any value, it is too much to suppose that he should not have, in that city, some person or other to supply him with all needful information. All the usual notices previous to the introduction of the Bill were given, as we of the Committee know; and it was the duty of the petitioner to have so arranged with his agent, that he would have received his notice in time, and not now to apply to the House to dispense with the Standing Orders, which were made for the protection of property, in a case where there would appear to have been gross negligence on the part of his agent. Besides, as has already been suggested, the petitioner is not without a remedy; and can, at a future stage of the Bill, apply to have the clause altered to which he objects.

Mr. KELLY. — After what has fallen from the Honourable Gentleman the Chairman of the Committee, and also from the Honourable Member for Lancaster, I shall not press the motion any further.

Motion, by leave, withdrawn.

STANDING ORDERS COMMITTEE.

Resolutions reported: —

1. That, in the case of the Ochil (Clackmannanshire) roads petition, the parties be permitted to proceed with their Bill, on forthwith giving the notices required by the Standing Orders; and that the Committee on the Bill do examine, in the first place, how far such order has been complied with, and do report the same to the House on the Report of the Bill.

2. That, in the case of the West Stirlingshire roads petition, the Standing Orders ought not to be dispensed with.

First resolution agreed to. — Report to lie on the table.

Ochil (Clackmannanshire) Roads. — Report from Select Committee on Standing Orders (this day), read. — Leave granted that notices be forthwith published, in three successive weeks, in some one and the same newspaper of the county of Fife. — Bill ordered to be brought in by ADMIRAL SIR CHARLES ADAM and LORD DALMENY.

Ordered, that the Committee on the Bill do examine, in the first place, how far the order for giving the said notices shall have been complied with, and do report the same to the House on the Report of the Bill.

COMMITTEE OF SELECTION.

Leave to Committee to sit this day till five of the clock, during the sitting of the House.

PUBLIC BUSINESS.

NEW WRIT FOR LEWES.

In the room of Sir Charles Blunt, Baronet, deceased.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Patronage (Scotland), — For alteration of the law, — from Airdrie (two petitions); Resolis; Prestonkirk; Tain; Renfield Church, Glasgow; Rosemarkie; Cummertrees; Girvan; Wellpark; Farnell; Arbroath; Brechin (three petitions); Menmuir; Heriot; and Craig.

Corn Laws, — By LORD ELIOT, COLONEL ANSON, MR. SHIRLEY, and other Honourable Members, against repeal, — from Leamington Priors; Wolfhamcote; Moreton Morrell; Haseley; Rowington; Beausal; Balsall; Brailes; Cherrington and Burmington; Long Compton and Little Wolford; Honington; Stourton; Stretton, Upper Fosse and Ditchford; Whichford and Ascote; Grandborough; Avon Dassett; Burton Dassett; Arrow; Alveston; Ipsley; Hatton and Shrewley; Studley; Leamington Hastings; Wellesborne Mountford; Barford; Budbrook; Hampton Lucy; Hunningham; Lapworth and Kingsford; Lillington; Newbold Pacey and Ashorne; Chesterton and Kington; Bishops Itchington, Chadshunt, and Gaydon; Upper Shugburgh; Lower Radbourn and Watergall; Chappel Ascote; Ladbrooke and Hodnell; Lower Shuckburgh; Radford Semele; Alcester and Kinwarton; Great Alne; Billesley; Tutnal and Cobley; Willenhall; Bickmarsh and Bidford; Claverdon and Langley; Compton Verney; Halford; Butlers Marston; Kington; Oxhill and Radway; Ilmington and Compton Scorpion; Lighthorne; Offchurch; Tanworth; Snitterfield; Wellesbourne, Hastings, and Walton; Beaudesert; Sambourne; Milverton; Henley in Arden; Weston under Wetheley; Fulbrook; Weethley; Ullenhall and Apsley; Cubbington; Haselor; Spernal; Coughton; Moreton Baggott; Exhall; Wixford; Oversley; Binton; Salford; Eatington; Grafton; Wolverton; Sherbourn; Norton Lindsey; Eathorpe; Honiton and Wroxhall; Anstey; Wyken; Whitnash; Stratford on Avon; Wasperton; Exhall Juxta; Harbury; Packwood; Kenilworth; Aston Cantlow; Stoneleigh; Stoke; Foleshill; Ashow; Bubbenhall; Marton; Wappenbury; Leek Wootton; Baginton and Stivichall; Bearley; Ufton; Charlcote; Combrook; Idlicote; Whitchurch; Whatcote; Compton Wyniates and Great Wolford; Pillerton Hersey; Pillerton Priors; Fenny Compton; Shotteswell; Bishops Tachbrook; Mollington; Ratley and Upton; Warmington and Arlescote; Priors Marston; Priors Hardwick; Wormleighton; Stockton; Upper Radbourn; Birdinbury; Long Itchington; Preston Baggott; Warwick (two petitions); St. Ervan; St. Issey (Cornwall); and Maugan.

Printed Papers,—By Mr. Freshfield, and Mr. Sheppard, for the release of the sheriff, — from the ward of Coleman Street, London; and the ward of Vintry, London.

By Sir R. Dundas, and Lord John Russell, in support of the privileges of the House, — from the corporation of Richmond (York); corporation of Great Yarmouth; and corporation of Maldon.

Corn Laws, — By Mr. R. H. Greg, Mr. A. White, and Sir G. Strickland, for repeal, — from Rochdale; Taunton; Darlaston; Glossop; Calton and Mile End, Glasgow (physicians and surgeons); Glencairn; Gisburn, and Horton, and Gisburn; Middleton; Alkrington; Arbroath; Deptford and Pallion; Cupar Angus; workers at Claverhouse bleachfield, Forfar; and Hollins Vale print and bleach works, Pilsworth.

Church of England, — By Mr. Lockhart and Mr. Sotheron, for extension, — from St. Andrew, Littlehon; Bromham; Farnworth; Denbigh; Llandrillo; Llanelidan; Llansaintffraid; Llangynhafel; Deane; Horwich; Westhoughton; Halliwell; Nettleton; and Bath.

Deptford Victualling Yard, — By Mr. Barnard, — of the chairman of the vestry of St. Paul's, Deptford, complaining of the exemption of that yard from taxation.

Designs Copyright Bill, — By Mr. Dennistoun, in favour, — from James Black and Company, Glasgow; Chamber of Commerce, Glasgow; R. Dalglish, Falconer, and Company, Glasgow; and merchants, drapers, and others, of Glasgow.

Parochial Assessments Act,—Of Nicholas Bennett, — for amendment of Act 6 & 7 Will. IV. c. 96. — To be printed.

Factories Regulation Act, — By Mr. W. Duncombe, Lord Ashley, and Mr. John Fielden, for inquiry into the operation thereof, — from factory workers in the employ of Mr. Lane, Stockport; Mr. Axon, Stockport; Mr. S. Higginbottom, Ashton; Messrs. Woods and Company, Manchester; Mr. Fernley, Manchester; Mr. Hickson, Stockport; Messrs. Taylor and Marsh, Bolton-le-Moors; Mr. Thomas Baron, Bolton; Mr. Joseph Crook and Sons, Bolton; Messrs. Brimlow and Heaton, Bolton; Mr. Rowland Hall Heaton, Bolton; Mr. Arrowsmith, Bolton; Messrs. Tomlinson, Warr, and Company, Bolton; and Stand Lane, Lancaster.

Workhouses, — Of the board of guardians of the Devizes union, for exempting workhouses from taxation.

Ballot, — Of James Anderson, in favour.

Universal Suffrage, — In favour, — from James Hart; Allan Mac Fayden; and James Munro.

Ecclesiastical Duties and Revenues

Bill, — Of the clergy of Bury St. Edmund's, against.

Church Rates, — By Mr. HAWES, — from Devonshire Square, London, for repeal.

British Museum, — By SIR R. PEEL, — of the trustees, for aid (Queen's recommendation signified).

Maynooth College, — By Mr. PRAED and Mr. GRIMSDITCH, against further grant, — from Macclesfield; Filloughby; Bath; and Lane End, Bucks (chairman).

Elective Franchise, &c., — From Drumachose, for extension of the franchise, and for municipal reform.

China, — Of Thomas Clarkson, for prevention of hostilities.

Intoxicating Drinks, — Of Jas. Haughton, for the repeal of the duties thereon.

Inland Warehousing Bill, — By Mr. F. H. F. BERKELEY, — from the vice-president of the Bristol Chamber of Commerce, against.

TITHE COMMUTATION ACT AMENDMENT BILL.

Reported; further consideration of Report on Tuesday, 17th March. — Bill, as amended, to be printed.

PUBLIC PETITIONS COMMITTEE.

Eleventh Report brought up, and read. — To lie on the table, and to be printed.

ACCOUNTS, PAPERS, &c.

British Museum. — Account ordered —

Of the income and expenditure of the British Museum, for the year 1839; of the estimated charges and expenses for the year ending the 25th day of March, 1841, and of the sums necessary to discharge the same; and, also, an account of the number of persons admitted to visit the museum from Christmas, 1833, to Christmas, 1839; together with a statement of progress in the arrangement of the collections subsequently to the 18th day of June, 1838, and an account of objects added to the several departments in the year 1839.

Account presented accordingly. — To lie on the table.

Emigration. — On the motion of Mr. VERNON SMITH, Address for —

Copies of any Report, since the last laid before this House, from the Agent General for Emigration:

Copies or extracts of any correspondence between the Secretary of State for the Colonies and the Governors of the Australian colonies, respecting emigration, since the papers presented to the House on the 15th day of August, 1839:

Copy of any general Return of emigration for the year 1839.

Gaols and Houses of Correction. — On the motion of Mr. BARNEBY, Address for —

Return of the establishment of officers and servants employed in each county gaol and house of correction in England and Wales at this present time; specifying the number and description of such officers and servants, the salaries and emoluments of each, and by whom such officers and servants are respectively appointed, and the date of their appointment; also stating whether the provisions of the Act 2 & 3 Vic. c. 56. have been carried into effect or not, and if not carried into effect, the cause of such omission:

Similar Return for every gaol and house of correction in each city and borough in England and Wales:

Return of the greatest number of persons confined (distinguishing the number of debtors) at any one time in each county gaol and house of correction in England and Wales, in the year ending Michaelmas, 1839; also, the average number (distinguishing the number of debtors) confined during that time, and the number of separate cells in each prison; distinguishing those belonging to debtors:

Similar Return for every gaol and house of correction in each city and borough in England and Wales:

Return of the total expenditure for every county gaol and house of correction in England and Wales, for the year ending Michaelmas, 1839, distinguishing the amount paid for new buildings: Also, a Return of the average expense for each prisoner per week, including everything except the expense of new buildings:

Similar Return for every gaol and house of correction in each city and borough in England and Wales.

PRINTED PAPERS — MR. SHERIFF EVANS.

LORD VISCOUNT MAHON. — Sir, before the House proceeds to the regular business of the evening, I feel bound to state a circumstance, its attention to which admits of no delay, and which, I hope, will receive the indulgent consideration of the House. This morning I received a visit from a Mr. Freeman, who, as I have since understood, is a medical gentleman of the highest respectability, living at No. 21. Spring Gardens. Mr. Freeman stated to me, that he was in professional attendance upon Mr. Sheriff Evans; that that gentleman is suffering under a complaint of the liver; that he has been used to an active life; and that when he undertook the duties of sheriff he could not have foreseen that he should have been subjected to so much confinement. Mr. Freeman went on to say, that, in his opinion, further confinement would not be dangerous merely to the health of the sheriff, but even to his life. He stated expressly, that he considered the life of Mr. Sheriff Evans would be endangered by further confinement. Under these circumstances, I am of opinion, looking to the determination at which the House arrived in the case of Mr. Sheriff Wheelton, that if the facts of the case are proved to be as I have now stated them to be, the decision of the House can hardly be different. I therefore requested Mr. Freeman to be in attendance at the House at five o'clock, for the purpose of being examined; so that if anything which I have now stated be exaggerated or erroneous, it may be set right; and again, if it prove correct, — that the statement made may rest on the professional authority of a medical man. Having mentioned these circumstances, I shall leave the case in the hands of the House, fully trusting to the decision of an assembly of British gentlemen, and being satisfied, that whatever may be the course which the majority of the House shall think it proper to pursue in defence of its own privileges, and whatever I and others may think of the propriety of that course, an assembly of British gentlemen will not be insensible to the claims of sickness and the feelings of humanity. If there be no objection, I will move that Mr. Freeman, the medical attendant of Mr. Sheriff Evans, be called to the bar, in order to his being examined as to the state of Mr. Sheriff Evans.

Mr. WARBURTON. — I hope the Noble Lord will not make the motion now, but give notice of it for to-morrow. I think that in the last case the House was taken by surprise. I am sure we all feel exceedingly sorry, individually, for the inconvenience to which the sheriffs have been subjected in enforcing the privileges of the House. But take any other case. What has been the treatment of the two individuals who are now confined in Warwick gaol? It is proved, by the correspondence which has been laid before the House, that the health of those individuals is most seriously endangered by their confinement. Yet, what has been the course pursued by the Government in their case? Why, their friends were told that the surgeon of the gaol was the person appointed to inquire into the health of the prisoners; and it was not until after long and continued representations of the bad state of their health, that the medical adviser who was accustomed to visit them was allowed, as a matter of great indulgence, to have access to them. I therefore call the attention of the House to the difference between the treatment of ordinary prisoners and the mode in which it is now proposed, in the most summary manner, to dispose of the representations of parties who are the medical attendants of persons, confined, for setting at defiance the privileges of the House of Commons. I hope, therefore, that the Noble Lord will give notice of his motion, so that Honourable Gentlemen may have time to consider what course it is befitting the House to pursue. I do not think it fair that the present motion should be brought on without previous notice. The Noble Lord has not even ventured to say that there is any immediate danger of the life, or even health, of Mr. Sheriff Evans; so that he has made out no case for pressing his motion now.

LORD J. RUSSELL. — The Honourable Gentleman who has just spoken has correctly represented the usual course of proceeding with respect to persons convicted and confined in prisons. The usual course is, that if a representation be made that the life of a prisoner is in danger, the representation is referred to the surgeon of the gaol; and if a representation be then made, by the surgeon of the gaol, that the prisoner's life is really endangered, there is no case which I have known in which a remission of the sentence has not been allowed. With respect to Mr. Sheriff Evans, however, we have not any medical officer connected with the House whom we can employ to ascertain the state of his health. The House must take either one or the other of two courses, and I will consent to the adoption of either. The House must either act upon the suggestion of the Honourable Member for Bridport, and examine the medical person in question at the bar to-morrow; or, what, I think, is, for some reasons, the preferable course, allow that gentleman to be now examined, and his examination taken down, so that in case of its appearing that the illness of Mr. Sheriff Evans arises, as stated, from a liver complaint, and, therefore, that there is no immediate danger to be apprehended, the evidence shall then be printed, and taken into consideration to-morrow. The lapse of twenty-four hours cannot, if such be the illness of Mr. Sheriff Evans, make any great difference

Mr. O'CONNELL. — It must be recollected, that this gentleman can himself obtain his liberation at any moment; and it would be no disparagement to him to submit to the authority of the House. I think that, such being the state of the case, the present plea, in the shape in which it is brought before the House, is perfectly ludicrous. A man like Vincent, if he could obtain his liberty in the same way, would not hesitate to do so, by the acknowledgment of his offence; but this gentleman need make no such acknowledgment! Let the House be good enough to recollect, that one of the last proceedings of the sheriffs was a perfectly voluntary one against the privileges of the House. There was an attachment in the hands of the coroner, which was not returnable until the 19th of April. It ordered the sheriffs to pay the money in their hands over to Stockdale; and, notwithstanding that they might have waited till the 19th of April, they volunteered paying the money to Stockdale at once, apparently to put an argument into the mouths of their advocates in this House, that having paid the money once, they ought not to be asked to do it again. The only way the House has of enforcing its privileges is by imprisonment. If it is to be got rid of on the allegation of ill health, by any person who still continues his contempt towards the House, while he knows that his liberation upon submission will be instantaneous, — how, I ask, are those privileges to be maintained? It is not the House that now detains the sheriff, but his own wilfulness. At the present moment, he does not even come forward with a petition. There is no application from him. He does not come forward stating any scruple of conscience, and, at the same time, representing his ill health, and leaving his case in the hands of the House. If I rightly understood the Noble Lord, he is not even authorised by Mr. Sheriff Evans to make the communication which he has made? The application comes from a third party, who volunteers the statement. I respectfully submit to the House, that their power of maintaining their privileges is a mockery, if they suffer it to be frittered away in this manner.

LORD MAHON. — I am sorry that the plea which I have put forward, in case of sickness, should appear "ludicrous" to the Honourable and Learned Gentleman; but I will venture to say, that it appears so to no other man in the House but that Honourable and Learned Member.

Mr. O'CONNELL. — I submit, that the expression of the Noble Lord is not in order. It is, at least, exceedingly uncivil.

LORD MAHON. — I understood the Honourable and Learned Member twice to make use of the word "ludicrous," and apply it to the proceeding before the House. I now repeat, and you, Sir, will correct me, if I am out of order, that I believe such an application appears "ludicrous" to no other Member of the House but the Honourable and Learned Member for Dublin. With respect to the request made by the Honourable Member for Bridport, I cannot consent to any postponement of this question. I feel it my duty to persist in the motion, that we shall now receive information, at the bar, touching the health of Mr. Sheriff Evans. As to the observations made by the Noble Lord the Secretary for the Colonies, I submit, that both the Noble Lord and the House will be in a better situation to judge of the propriety of printing the evidence, and taking it into consideration, to-morrow, when they shall have heard a professional statement respecting the health of the sheriff.

Mr. O'CONNELL. — I beg leave to say, in explanation, that the Noble Lord has totally misstated my application of the word "ludicrous." It occurred to me, that the proposal of the Noble Lord was ludicrous, inasmuch as, here, a third person comes forward to make a representation of the sickness of an individual, that individual having it in his power to make that statement himself. I will add, that I think the manner in which the proposal was made was just as ludicrous as the matter; and I am not surprised at it, for it is well known that a more ludicrous individual than the Noble Lord is not in this House.

[Cries of "Chair, chair!"]

Mr. WARBURTON. — I move, as an amendment on the Noble Lord's motion, that the debate be adjourned till to-morrow.

SIR M. WOOD. — Sir, to my knowledge, Mr. Freeman, Sheriff Evans's medical attendant, has visited him regularly for the last ten days; and I am most anxious that some proposition should be made to the House. I believe that the resolution passed for the relief of the other sheriff is one for which the most substantial grounds existed; for that gentleman has since been extremely ill, and unable to attend to his duties. I know that Mr. Sheriff Evans has been very ill, and that for the last few days he has got considerably worse. He does not wish to buy his freedom upon the payment of 640*l.*; and I hope the House does not mean to sell it for that sum. The sheriff thinks himself justified in all he has done, and will not bend to the House. He does not come forward to ask relief, because he does not choose to incur the same charges that have been made against the other sheriff. He has already told the House, when undergoing an examination at the bar, that if, in the execution of his duty, he had done anything to offend the House, he deeply deplored it. What does the House want of him more? Do you want him to go down on his knees? If you do, I hope and trust the sheriff never will do so. Instead of being anxious to pay the money, and oppose the wish of this House, he retained it as long as he possibly could. The coroner sent the sheriff a notice that he had orders to attach him; but why did he not go and serve the notice himself? Why, because he was afraid to do so,—he was afraid of being placed in the same situation. It is proposed to let this inquiry stand over until to-morrow. Why this delay? According to the statement of the Noble Lord, it appears that Mr. Sheriff Evans is dangerously ill; or, at least, may become so, from further confinement; and I know that his medical attendant feels great anxiety on the subject. I hope the House will therefore agree to the Noble Lord's motion.

SIR E. KNATCHBULL.—I think it very unwise, on this occasion, to enter into the merits of the question of publication; and I cannot believe that the Honourable Baronet who has just sat down was authorised by the sheriff to make the statement, that he will not bend to the authority of the House. It cannot be denied that the sheriff, notwithstanding the course which he thought it his duty to pursue, has deported himself respectfully towards the House; and therefore, I presume, it is not too much to say, that he ought to be treated with respect. The question now is, not whether the sheriff has done right or wrong, but whether the state of his health is such as to call for the interference of the House? That point can best be ascertained by examining the medical gentleman who is in attendance; and we can afterwards decide whether the further consideration of the case ought to be postponed till to-morrow. I regret to say, that the Honourable and Learned Member for Dublin has used language towards my Noble Friend which I am almost ashamed to repeat. He says that the Noble Lord "is the most ludicrous man in the House." Now, I venture to tell the Honourable and Learned Member that such an observation ought never to have escaped his lips; and I think the Honourable and Learned Member can scarcely feel satisfied in his own mind that he has acted with that courtesy which is due from one Honourable Member to another. I beg to call upon that Honourable and Learned Member to give such an explanation as must be dictated by justice and his own good sense.

MR. HUME.—I am sorry that any angry words should have passed on this occasion. But the fact is, that the Noble Lord charged my Honourable and Learned Friend with insensibility; and I think his answer only a fair retort. All that my Honourable and Learned Friend meant was, that it would be too much to call upon the House to liberate the sheriff in consequence of a fit of sickness, unless it should be proved that his life would be endangered by longer detention. But, after what has been done to affect the privileges of the House, and particularly after the observations of the Honourable Baronet (Sir M. Wood), who has declared that the sheriff will defy the House in its attempts to maintain its privileges, I think the sheriff ought to approach the House by petition; and that we should not act on the statement of an Honourable Member who has not seen him. If a petition be presented, I am confident that every Honourable Member will give it his best consideration.

SIR R. PEEL.—I am clearly of opinion, Sir, that the House should keep perfectly clear and distinct the consideration of the particular ground upon which the present proposal is made, and the general question. Some Honourable Gentlemen may think that the sheriff has sufficiently expiated his offence against the House, and that he is now entitled to his discharge. But let that question be brought distinctly forward; because nothing could be more discreditable than for the House to seek to get out of its present difficulty by pretending to release the sheriff on the score of indisposition. I would infinitely rather propose the discharge of the sheriff on the ground of his having undergone sufficient punishment; but I would not refuse to release him on the ground of illness, if I were perfectly satisfied that his life is endangered by confinement. The question now is, shall the House proceed to examine the medical attendant to-night, or wait till to-morrow? My Noble Friend has stated that, from the communications made to him by the medical adviser of the sheriff, he has reason to believe that not only the health, but the life, of that gentleman is in danger. I think it would be better to examine the surgeon, now, than to wait till to-morrow. When we have heard the evidence, we can then determine whether we ought to release the sheriff now, or whether there are sufficient grounds for the postponement of the subject to another day. In consenting to the immediate examination of the surgeon, I wish it to be understood as giving no opinion as to what course ought to be pursued after that examination. I do not mean to commit myself in the slightest degree, as to the course I shall subsequently take. At the same time, I must say, that while the House is bound to administer justice equitably and fairly, we ought not to go further than the justice of the case demands.

SIR M. WOOD.—I did not mean the House to infer that the sheriff was acting in defiance of its commands; and I beg to state that I have had no communication with the sheriff on the subject of the present application, nor was I aware that any proposition was about to be submitted to the House.

Mr. WARBURTON.—I cannot but think that the course which I pointed out is the most advisable one for the House to pursue. I beg to disclaim, for myself, any power to examine the medical attendant; and I believe there are few Members in the House who are capable of examining a medical witness, so as to ascertain from him whether the sheriff be really in a dangerous state, or not. The Honourable Member for Finsbury, the coroner for Middlesex, is not present; and, as he is the individual most competent to conduct the examination, I think it ought to be postponed until to-morrow, when the witness may be ordered to attend. It is not, however, my intention to trouble the House by dividing.

Amendment, by leave, withdrawn; original question put, and agreed to.

The SPEAKER directed that Mr. Freeman be called in.

Mr. Freeman called in, and examined.

The SPEAKER.—What is your name?—Joseph Freeman.

Are you the medical attendant of Mr. Sheriff Evans?—I am.

Have you seen him professionally lately?—I have.

When did you see him last?—This morning.

What is the present state of his health?—It is very bad.

Do you consider that his life is in danger from further confinement by order of this House?—I have no doubt that it will be; he is suffering from a liver complaint.

Has he been long suffering from this complaint?—For several years.

Do you know whether he has been accustomed to an active life?—Very much so.

Mr. O'CONNELL.—What is your rank in the profession; are you a physician?—I am a surgeon.

How long have you been in attendance upon Mr. Sheriff Evans?—For seven or eight years.

Have you been in constant attendance upon him during that period?—Almost constant.

Has he been equally ill all the time?—No, he has had intervals free from illness.

What was the length of those intervals?—I cannot exactly say.

Was he more frequently ill than well?—No, more frequently well than ill.

When were you last treating him as your patient,—how long before his commitment was it that you were last in attendance upon him?—Within the last two or three months I had occasion to see him frequently.

Have you prescribed for him?—I have.

State as nearly as you can how long before his arrest you last attended him as a patient?—He was not well when he came into confinement; he had, a very short time before that, a very severe fit of the gout.

How long before his confinement had he that fit of the gout?—I think it was about a month, as near as I can recollect.

Do you say that with any degree of positiveness?—No, I do not.

Do you think he was well a month before he was arrested?—It was about a month when I had occasion to prescribe for him for the gout.

How long did you prescribe for him?—During the continuance of the fit.

How long did that fit last?—I cannot recollect.

Can you come within a week? — His fits of gout generally lasted from a week to a fortnight.

Was the last fit longer or shorter than the ordinary? — That I do not recollect.

Can you recollect about how long the last fit was; how long it endured? — It was some days; I cannot exactly recollect the number of days.

Can you come at all near the period; can you approach it? — I really cannot say, as to the days, to a day or two days, or three days.

Do you keep a journal? — No, not of such cases.

Do you keep a fee-book? — No, I do not.

How often did you prescribe for him the last time? — I prescribed daily for him during the fit of the gout.

Are you in any other branch of the profession besides being a surgeon? — Yes.

What is the other branch? — An apothecary.

Are you not able to state how often you prescribed for him? — I said I prescribed daily during the fit of the gout.

Can you state how long you prescribed daily for him? — No, I cannot.

Can you give any species of calculation, or guess at it? — I have stated, as nearly as I can recollect, that his fits lasted from a week to a fortnight, sometimes longer, and sometimes shorter.

How soon after he was in confinement were you called in to attend him? — I think about three days.

Do you mean three days ago, or three days after he was arrested? — Three days from the time of his arrest.

Have you been prescribing for him ever since? — I have.

What disease have you prescribed for? — The liver complaint.

No gout? — He has had no gout, only threatenings of it, since he has been there.

Is he growing worse or better under your care? — He is growing worse under his confinement.

There is no immediate danger of him? — I cannot say that there is; but his life would be endangered if he were to remain longer under restraint.

Mr. BUSFIELD. — Do you think there is any disease of the liver, or only disorder? — There is disease of the liver; he has an enlargement of the liver; he has several times had jaundice.

Has the liver been enlarged since his confinement? — No, it is of long standing.

Is there any induration? — It is larger than it ought to be; larger than is natural.

Is there any induration? — I am of opinion there is.

Have you ascertained it by feeling the liver? — I have.

Mr. WARBURTON. — Has Mr. Sheriff Evans been subjected to the dietary of an invalid since his confinement? — I believe Mr. Sheriff Evans's diet has been very moderate since he has been here; dining early, and eating but little.

Is it such a dietary as an invalid labouring under the complaint to which you have stated Mr. Sheriff Evans is liable would be subjected, if under your treatment? — Yes.

SIR R. PEEL. — Has any other medical man been called in since his confinement? — No.

You have not felt it necessary to recommend his resorting to the advice of any other medical man? — No, I have not.

Mr. ELLIOT. — Is there any active inflammation going on in the liver of Mr. Sheriff Evans? — There is chronic inflammation going on.

There is no active inflammation? — No.

Do you apprehend that there is any immediate danger? — Not any immediate.

What is the benefit which Mr. Sheriff Evans would derive from his release? — Air and exercise.

Do you think, then, if Mr. Sheriff Evans were allowed to take air and exercise, and return to the House of Commons, it would have the same effect? — I think not; for his mind is suffering greatly, and that is acting on his body.

Is Mr. Sheriff Evans allowed to drink any wine or beer, or any beverage of that description? — He only takes one or two glasses of wine; but he has drunk none lately, certainly not any.

How lately has he been confined to his bed? — He has not been confined to his bed at all; it is not necessary.

SIR R. INGLIS. — Is Mr. Sheriff Evans aware of your having been summoned here to-day? — I am not aware that he is.

There has been no communication between you and Mr. Sheriff Evans on the subject of your examination? — There has been none.

Mr. KEMBLE. — Were you, of your own free accord, from your own observation on the state of Mr. Sheriff Evans's health, induced, without any concurrence or communication with him, to make a communication as to the state of his health to Lord Mahon? — I was.

Mr. GLADSTONE. — Are you prepared to state that the danger to Mr. Evans's life, whatever it may be, will be increased by every day's additional confinement? — I am.

LORD JOHN RUSSELL. — Do not you think that, as regards the injury to Mr. Sheriff Evans's health by further confinement, it might be advisable to call in a physician to advise upon the case? — I can have no objection to such a step.

LORD STANLEY. — What means has Mr. Sheriff Evans of having either air or exercise at present? — I believe he walks for an hour every day in the cloisters.

Has he availed himself to the utmost that he might have done of the permission which he has to take air and exercise? — That I cannot say; these easterly winds have been rather unfavourable to him.

Mr. ELLIOT. — Have you desired him to take as much air and exercise as he can do under the permission of the House? — I have.

Have you ascertained that he has done so? — I have heard that he has done so.

He has taken as much air and exercise as he could do? — Certainly not as much as he can. I think I have understood that Mr. Sheriff Evans has walked out for an hour.

Is that sufficient? — During this weather it is.

If he was out of confinement at this moment, he could not, with benefit to his health, walk any longer than an hour? — No, I think not; the weather is against him.

Mr. HUMPHERY. — Have you consulted with his family with respect to his complaint? — I have been in daily communication with them about it.

Have you informed his family of this liver complaint which you speak of? — They all know it.

Have you consulted with them with respect to calling in further advice? — No, I have not.

You say that Mr. Sheriff Evans is suffering from a chronic inflammation of the liver; how long ago would you say that chronic inflammation first began to show itself? — I cannot say how long; I have detected it in the last two years.

Mr. GISBORNE. — Have you come before the House to make this representation at your own suggestion, or have you consulted with other persons upon the subject? — At my own suggestion.

The witness was directed to withdraw.

Mr. HUMPHERY. — I wish to inform the House that I saw Mr. Sheriff Evans about the time his medical adviser was called in; and when I informed him that that gentleman was before the House, he was perfectly astonished, for he knew nothing whatever of the fact.

Mr. KELLY. — I have seen Mr. Sheriff Evans frequently, during his confinement; and, so far as the observation of a non-medical man may form a judgment, I must say, that he appears to me to have been suffering severely in health, during the last two or three weeks. He has appeared to me to be worse and worse at each successive interview; and, although the sheriff certainly did not contemplate that his observations would be repeated in this House, I must say, that he has complained that his health has been seriously injured from his confinement.

The SPEAKER. — Does the Noble Lord make any motion?

LORD MAHON. — In compliance with the suggestion of the Noble Lord, I beg to move that the evidence be printed with the Votes, and taken into consideration to-morrow.

An Honourable Member. — Sir, I rise to second the motion.

On the question being put, —

Mr. HUME said: — I would ask the House whether the evidence which has been given be really worth printing? I think that a more flimsy case, and one more unfair towards the sheriff, could not be made out. So far from printing the evidence, I think we ought to allow it to sleep amongst the long-forgotten manuscripts of the House.

Mr. HUMPHERY. — I hope, if it be printed, that we shall, to-morrow, have some medical man of eminence examined on the subject.

Agreed to. Evidence to be taken into consideration to-morrow, and to be printed.

INLAND WAREHOUSING BILL.

Mr. GOULBURN. — Seeing the Right Honourable Gentlemen the President of the Board of Trade in his place, I wish to ask him a question respecting a proceeding which took place, last night, at a late hour, and on which, for the sake of the public and the persons particularly interested, I think the Right Honourable Gentleman should offer some explanation. I allude to what was done with respect to the Inland Warehousing Bill. It will be in the recollection of the House that I had given notice of a motion for a Committee to take the whole question into their consideration. I remained in the House, last night, until ten o'clock, and then retired, understanding that no further proceeding would then be taken. I was, therefore, not a little surprised, this morning, to find, by the Votes, that the motion of which I had given notice had been made by some other Member, and that the names of the Committee were also printed. I need scarcely observe, that a more irregular proceeding could not have occurred. It is obvious that the most serious inconvenience will ensue if a notice of motion given by a Member at one side of the House be taken up by Members at the other, and Committees, of which he expected to have the nomination, according to the usual course of business, are to be taken out of his hands, and appointed in his absence. The Right Honourable Gentleman has informed me that the names were inserted by mistake, and, of course, I am bound to give credit to the statement; but what I complain of is, that my motion was taken, in an underhand manner, after twelve o'clock, in my absence; so that I was left without the chance of making a single observation on a subject in which I take the greatest interest. For the sake of precedent, I have felt called upon to mention the subject; and I trust that such an explanation will be given as will satisfy the House that the attempt will not be repeated.

Mr. LABOUCHERE. — I am very glad that the Right Honourable Gentleman opposite has afforded me an opportunity of giving the explanation upon this subject which I am able and willing to give. I beg to declare, in the first place, that nothing could be further from my intention than to do anything in the least degree unfair towards the Right Honourable Gentleman opposite; and, if I had entertained the smallest doubt as to his acquiescence, I certainly would not have acted in the manner of which he complains. As the House is already aware, a Select Committee was to be appointed at the instance of the Right Honourable Gentleman. I had agreed to the appointment of that Committee. It was of great importance that the steps to be taken upon the subject should be taken without further delay; and I, therefote, in the absence of the Right Honourable Gentleman, suggested that a friend of his, sitting on the same side of the House, should move the appointment of the Committee. The Honourable Baronet the Member for Stamford did not seem inclined to do so; and I therefore made the motion. As to having proposed any list of names to constitute that Committee, I have only to observe, that I did no such thing. If I had been guilty of anything of the sort, it could not be otherwise considered than as a departure from the usual courtesy prevailing amongst Members of the House, and quite contrary to the express understanding come to upon the subject. I can assure the Right Honourable Gentleman that when I saw the Votes this morning, I was as much surprised as he could be to find the names of a Committee inserted. The simple account of the transaction is this: I was sitting near my Honourable Friend the Member for Cheshire, and, as it was necessary to appoint a Committee, we each made out a list, intending to examine and arrange them at another time. One of these lists happened, inadvertently, to be left on the table of the House; it was taken up by one of the Gentlemen sitting there, who, supposing that it was a notice which I had given, inserted it in the Votes. I regret that such an occurrence has taken place; but I feel assured the House will see that I could have had no intention of doing anything unfair towards the Right Honourable Gentleman. I allow that there were grounds for requiring an explanation; and I am glad that the Right Honourable Gentleman has afforded me the opportunity of giving it. I admit, also, that the Right Honourable Gentleman opposite is fully entitled to the nomination of the Committee. Having thus given, publicly, that explanation which I have previously given in private, I trust the House will feel satisfied that nothing unfair has been intended.

Mr. GOULBURN. — I am happy to say, that the explanation which has just been given by the Right Honourable Gentleman is, to me, perfectly satisfactory.

CHURCH OF SCOTLAND—NON-INTRUSION.

Mr. COLQUHOUN. — I wish to call the attention of the Noble Lord the Secretary for the Colonies to a matter which is exciting the greatest possible interest in Scotland, — I mean the collision which has unfortunately taken place between the civil and ecclesiastical courts of that country; and in reference to the disputes which have taken place between them, I want to know from the Noble Lord whether or not it is the intention of Her Majesty's Government to propose to Parliament a measure designed to allay those dissensions; and, if such a measure be contemplated, at what period the Noble Lord intends to state its outlines to the House?

LORD J. RUSSELL. — Sir, the subject certainly is one of very great importance; and it is at present under the consideration of Her Majesty's Government, with a view to a satisfactory arrangement of all matters in dispute. I cannot promise to bring forward any measure, but I will shortly state the intentions of the Government on the subject.

Mr. COLQUHOUN. — Perhaps the Noble Lord will allow me to put another question. An impression has gone abroad, from what passed when the deputation waited on the Government, that not only was it intended to bring in a measure upon this subject, but that they would very speedily state to the House the outlines of their plan. I wish to ask whether that impression be an erroneous one, and whether the Government, having had the subject under consideration since the month of May last, have not yet been able to agree to any measure?

LORD J. RUSSELL. — The impression to which the Honourable Member refers is certainly a mistaken one. What I stated to the deputation was, that the Government were endeavouring to frame a measure on the subject; but that they would not bring one forward unless they were perfectly assured that it was calculated to produce beneficial results.

SIR R. PEEL. — I do hope that, as soon as Her Majesty's Government have made up their minds upon the subject, they will make known the result to the House; and that the House will be apprised of the intentions of the Government at least as soon as any deputations from Scotland. I have answered a great number of letters which I have received upon the subject, stating that I believed it to be the intention of Government to introduce a legislative measure with reference to the matters in dispute. It now appears that the Noble Lord is not prepared to say anything calculated to afford the least information; and that I have been in error when replying to the various letters which I have had occasion to answer upon this subject. All I now ask of the Noble Lord is, that as soon as the Government have made up their minds, he will give a distinct assurance, either that he intends to bring forward a measure of the nature referred to, or that he will abandon it.

LORD J. RUSSELL. — I will endeavour to give the House every information on the subject as soon as possible.

CHURCH EXTENSION.

Mr. HAWES.—I wish to ask the Right Honourable Baronet the Member for the University of Oxford at what time he proposes to introduce his measure for church extension; whether or not it involves a grant of public money; and also, whether the church extension which he contemplates is to be confined to England?

SIR R. INGLIS.—Sir, in reply to the first question of the Honourable Member for Lambeth, I beg to say, that it is my intention to bring forward the motion of which I have given notice as soon as possible after Easter. With respect to the second question, whether it involves a grant of the public money, I think that it requires much less sagacity than that possessed by the Honourable Member for Lambeth to see that church extension cannot be effected without a grant of public money; and, with respect to the third question, my reply is, that my motion has reference to England and Wales.

FRAUD ON THE REVENUE.

SIR W. JAMES. — I wish to call the attention of the Right Honourable Gentleman opposite (the President of the Board of Trade) to a paragraph which has appeared in the public papers respecting frauds committed upon the revenue, to the amount of 150,000*l.*, by persons taking goods from certain ports, where there are bonded warehouses, to other places, to re-bond them. I beg to ask whether there is any foundation for the statement, and whether the Right Honourable Gentleman has any information to communicate to the House on the subject?

Mr. LABOUCHERE. — I have not seen the paragraph to which the Honourable Baronet refers, and can give no information on the subject.

CHURCH REVENUES IN CANADA.

Mr. PAKINGTON. — I understand that a Bill has passed the Legislature of Upper Canada, dividing the clergy reserves amongst all denominations of Christians, and allotting to the Church of England only one fourth part of that property. I wish to ask the Noble Lord whether the Bill has been received at the Colonial Office; and if so, how soon it will be laid on the table of the House?

LORD JOHN RUSSELL. — The Bill has not yet been received. Captain Pringle, who is expected with despatches, has been detained by contrary winds.

BERLIN REPORT.

Mr. HUME. — I wish to ask the Noble Lord if orders have been given for laying the Berlin Report before the House?

LORD JOHN RUSSELL. — Yes.

MILLS AND FACTORIES.

LORD ASHLEY. — As I understand that Her Majesty's Government do not intend to oppose the motion of which I have given notice, and as I have so frequently addressed the House at considerable length on the subject, I will content myself with moving "That a Select Committee be appointed, to inquire into the operation of the Act for the regulation of mills and factories, and to report their observations and opinion thereupon to the House."

AN HONOURABLE MEMBER. — I beg to second the motion.

Question put, and agreed to. Committee appointed.

JOHN DILLON.

On the motion of SIR FRANCIS BURDETT, petition of John Dillon (presented 24th January) read.

SIR F. BURDETT. — In rising to move "That a Select Committee be appointed, to inquire into the case of Mr. John Dillon, as stated in his petition, and to report their observations thereupon to the House," I will not detain the House at any great length, having, on former occasions, detailed the whole of the facts connected with the case. It must be in the recollection of the House, that Mr. Dillon, in the year 1822, held a situation in the coast guard; and that, by his vigilance, the revenue was materially benefited, he having been the means of preventing smuggling to a very great extent. In the course of that year, in the discharge of his duty, he sailed from Mill Cove, with the view of exercising and trying his crew. Shortly after his departure from the harbour, he discovered a vessel, which he suspected to be a smuggler, and gave chase to; but the night being dark and tempestuous, he was unable to board her; and even had that not been the case, his force was so much inferior, that it would have been exceedingly injudicious to make the attempt. He, however, pursued her as closely as possible; and his signal having been answered from the shore, the smuggler stood out to sea, in order, if possible, to escape before any reinforcement could arrive. In consequence, however, of the exertions of Mr. Dillon, the smuggler was obliged to take refuge in the harbour of Kinsale, where she was seized by the tide surveyor, to whom a very large portion of prize money was awarded on her condemnation. Mr. Dillon, about that time, took the command of a merchantman bound for the West Indies, having previously received a letter of thanks from the Treasury for his exertions on the occasion alluded to. Before he left this country, the owners of the vessel objected to the award which had been made, and carried the case before another tribunal; and Mr. Dillon, on his return, found that the tide surveyor had received upwards of 11,000*l.*, and that his own claim had been disregarded, on the ground that he had been guilty of cowardice in not boarding the vessel. Mr. Dillon prayed that an investigation might take place; and Lord Althorp suggested, that the question should be referred to Sir Edward Codrington, to ascertain whether Mr. Dillon had done his duty or not. Mr. Dillon at once assented to this proposition; and Sir Edward Codrington decided that Mr. Dillon's conduct had been highly creditable. Lord Althorp promised that a further investigation should take place; but, unfortunately, he only remained a short time in office, and nothing was afterwards done. It does not appear that there is the least imputation on the character of Mr. Dillon; and I think it extremely hard that he should be deprived of the reward to which the Government must consider him to be entitled; for they afterwards gave him 50*l.*, which they certainly would not have done had they considered him guilty of the charges brought against him. It has been urged, on former occasions, that the claim was not made until two years after the proper time; but really I think that if the conduct of Mr. Dillon has been fair and honourable, it ought not to be resisted on that ground. At all events, I hope the House will not refuse to appoint a Committee, in order that the subject may be fully investigated.

The CHANCELLOR of the EXCHEQUER. — I am really sorry to have to trouble the House with any observations on this case, which has already been brought forward four or five times; and I do think that Mr. Dillon might be better employed than in attempting, by repeated applications, to obtain money from the Government. This transaction occurred so long ago as 1822; and I think that that fact is a strong objection to the appointment of a Committee in 1840. It appears that Mr. Dillon went out for the purpose of boarding the vessel; but that he did not succeed in so doing. He, however, prevented her from running her cargo; and she ultimately went into the port of Kinsale, where she was detained by the officer on that station. Upon this fact Mr. Dillon rests his claim; and the question is, whether that claim be well founded. I consider that he has no claim to any share in the capture of the vessel; and I believe that to be the opinion of every person who has fully considered the subject. Mr. Dillon, to a certain extent, has made the same admission; for he claimed, under a supposed order, the reward for having prevented the vessel from making the run; and when it turned out that there was no such order, his claim fell to the ground. From the year 1822 to 1829, Mr. Dillon made no application to the Treasury; and one ground for that long delay was stated to be the necessity of withholding, for a time, the proportion due to his crew, whose characters were very indifferent. He subsequently accounted for the delay, by his long absence in the West Indies. With respect to the reference to Sir Edward Codrington, I fully admit that the character of Mr. Dillon was cleared; but I contend that that is a point quite distinct from his claim for a portion of the prize money. I hold in my hand a letter from Lord Althorp to Mr. Dillon, stating that the delay of the claim from 1822 to 1829 was not satisfactorily accounted for; and that, "the money having been distributed, and the claim having been made so long after the transaction, the Treasury could come to no other decision, as to the case, than that which has been already come to." Mr. Dillon has stated that he received 50*l.* from the Treasury; but I beg to remark to the House, that it was not paid in consideration of his claim, and that it was no acknowledgment of its justice. The Treasury minute states that it was granted on account of Mr. Dillon's distressed condition, and the trouble to which he had been put in the investigation of his claim. I think the case has been amply investigated; for it has been fully gone into by several Governments, who have all come to the same conclusion; and I shall therefore give my decided opposition to the motion of the Honourable Baronet.

Mr. WARBURTON. — I conceive that, if this transaction had taken place only a short time ago, and the petitioner had now made his claim for the first time, it would have been utterly impossible to refuse him the compensation which he seeks, because the main facts alleged by him are not denied. It is not denied, that, in consequence of the attack which he made on the smuggler, she was compelled to run into Kinsale, where she was seized and condemned. This fact is clearly stated, in a speech made by Sir George Robinson in the Admiralty Court, when this case was under consideration. It was also stated, by the same learned gentleman, that this being a hostile vessel, and running into a situation where she could not avoid being captured, amounted, in law, to a capture. So that, by the admission of the counsel for the Crown, Mr. Dillon, having forced this vessel to run into harbour, where she was condemned, was thereby entitled to participate in the capture. It appears to me, that the only weak point in the case is this, that Mr. Dillon did not bring forward his claim at an earlier period. I think a poor officer of the coast guard may be readily excused for not having become a party to the suit in the Admiralty Court; which must of necessity be attended with considerable expense. But if Mr. Dillon did not appear before the Admiralty Court, he petitioned the Treasury, in 1828, at the time Mr. Dawson was Secretary. Mr. Dawson, in a letter, dated the 14th of April, 1838, addressed to Mr. Dillon, stated, that he felt great commiseration for his case; that the papers which had then been transmitted to him contained additional matter to those which came before him as secretary; that, when the board at that time decided the case, and confirmed the orders of preceding boards, it was because no new matter had been brought before them; but that it was by no means intended to close the inquiry if any new facts should come to light. And, as far as I recollect, such has been the substance of all the decisions come to. Now, I have not the least doubt that if Mr. Dillon had made the claim at an earlier period, it would have been admitted; and I cannot but think that the case is a proper one for the consideration of the Government, and that he ought to receive a portion of the money arising from the capture of the vessel. I think that, as Mr. Dillon was instrumental in the capture of the vessel, and the principal means, indeed, of effecting that capture, he is entitled to receive his fair share of the proceeds of such capture; and, in my opinion, the Chancellor of the Exchequer has made out no case against that claim.

SIR FRANCIS BURDETT. — I do not think that any satisfactory reason has been assigned why this motion should not be agreed to. The only argument on which the Chancellor of the Exchequer has relied is, the circumstance that this claim was so long deferred; but the delay has been accounted for in the petition presented by Mr. Dillon. It appears that, not wishing to lie out of his profession, he engaged himself, very shortly after the date of this transaction, in a vessel going to the West Indies; and this accounts for his absence during part of the period. But I do not think that the delay which has been relied on by the Treasury is a sufficient argument against this claim. It appears that the vessel which was made prize of, in this case, in attempting to run a cargo of smuggled goods into a harbour in Ireland, was driven back, and forced to take refuge in the harbour of Kinsale, where she was captured, having a large cargo on board. Now, if this capture, as I contend it was, was made by the means of Mr. Dillon, he was entitled to a large share of the proceeds. A notion may be formed of the extent of these proceeds, when I mention that one Custom House officer, as his share alone, received upwards of 11,000*l.* It cannot be doubted that the vessel was forced to run into the harbour of Kinsale by the great skill, boldness, and good arrangements of Captain Dillon. Upon this point I have the highest authority to support me. It was referred to Sir Edward Codrington to decide with respect to Mr. Dillon's conduct in this affair; and he declared that Captain Dillon had acted with spirit and judgment, and in a seaman-like manner. Other eminent men in the navy, amongst whom were Sir George Byam Martin and Sir R. Stopford, have expressed the same opinion. With respect to the objection as to time, I do not think time is any bar to the claim. I know that, in the trial of an officer, it would be no bar. In what has fallen from the Chancellor of the Exchequer, he has said nothing to impeach the statement of Mr. Dillon, as to the facts of his case. The only point he has been able to urge is, that a great deal of time had elapsed before making the claim. I cannot help thinking that, when once there is a decision against a man, the inhabitants of the Treasury — who are more wolves than sheep — are glad to seize upon an adverse decision, to save themselves the trouble of further inquiry; and to rely upon that decision, as conclusive in their own favour. I regret that the House is not more full; but I certainly feel bound to take the sense of the Gentlemen present upon this motion, by dividing the House upon it.

The House divided: — Ayes 15, Noes 42; Majority 27.

AYES.

Bentinck, Lord G.
Broadley, H.
Butler, Hon. Colonel
Courtenay, P.
Ellis, J.
Jones, J.
Lowther, J. H.
Miles, P. W. S.
Perceval, Colonel
Plumptre, J. P.
Pryme, G.
Rae, Rt. Hon. Sir W.
Rolleston, L.
Round, J.
Vere, Sir C. B.

Tellers.

Burdett, Sir F.
Warburton, H.

NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Baines, E.
Baring, Rt. Hn. F. T.
Bewes, T.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Clay, W.
Craig, W. G.
Davies, Colonel
Elliot, Hon. J. E.
Finch, F.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, R.
Goulburn, Rt. Hn. H.
Greg, R. H.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Hume, J.
Hutton, R.
Knight, H. G.
Labouchere, Rt. Hon. H.
Lemon, Sir C.
Morpeth, Lord Visct.
Richards, R.
Rickford, W.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Stansfield, W. R. C.
Stewart, James

Strickland, Sir G.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wood, C.

Tellers.
Parker, J. (Sheff.)
Stanley, Hon. E. J.

FIRST FRUITS AND TENTHS.

Mr. BAINES. — I rise to renew my motion for a Committee of the whole House, on the subject of the first fruits and tenths, for the purpose of making those payments more conducive than they have hitherto been to the augmentation of the livings of the poor clergy. Having, on a former occasion, shown that, from the first institution of these imposts, the payments were made according to their full amount, — having shown that this practice prevailed at the time of the Reformation, and that it was enforced by a strict valuation, made by order of King Henry VIII. — having further shown that, in the time of Queen Anne, these payments were conferred upon the church for the benefit of the poor clergy; and having shown that the sanguine expectations that were cherished of the vast advantages that would flow to these laborious ministers have been entirely frustrated, — I shall not again go over the ground I have already traversed, but state, as I am empowered to do, upon high legal authority, that the attempt to make the valuation of the livings, upon which the first fruits and tenths are paid, fixed and invariable, is inconsistent with the letter and the spirit of the Act of Queen Anne. Without occupying the attention of the House by detailed statements of legal opinions, I may say, that the balance of authority, as far as I can collect it, is decidedly in favour of the claims of those whom it was the intention of that Queen to serve; and that the amount of the increased value of the funds ought to have been applied by the Governors of Queen Anne's Bounty to the relief of the poor clergy, whose interests, as faithful guardians, it was their duty to watch over. This is an opinion not entertained by lawyers only, but by the poor clergy, one of whom has sent to me a selected list of the rich livings, in various parts of the kingdom, merely as a specimen of others; and from which it appears that there are thirty-four livings, returned by the Ecclesiastical Commissioners, in the year 1835, as of the present value of 64,775*l.* a-year, but which stand valued, in the *Liber Regis*, on which the first fruits and tenths are paid, at 1014*l.* only. Without detaining the attention of the House to go through the list, I will satisfy myself with selecting three of the smallest and three of the largest of these livings, in order to show what was their value at the time of the Reformation; what is their real value at the present time; the sum paid as tenths by the rich clergy to the poor clergy; and the real tenths which would be due and payable upon the true value of each: —

Name of Living.	Valued at	Real Value.	Sum paid as Tenths.		Real Tenths.
	£	£	£	s.	£
Bilbury, Gloucestershire . .	13	1023	1	6	102
All Cannings, Wilts . .	31	1100	3	2	110
Chelsea, Middlesex . . .	13	1003	1	6	100
Winwick, Lancashire . .	102	3616	10	4	361
Stanhope, Durham . . .	67	4842	6	14	484
Doddington, Cambridgeshire .	22	7306	1	4	730

But it is not only the benefices, but the ecclesiastical sees, of the payments of which I have to complain; and I shall proceed to make a selection, showing the full annual value of four of the bishopricks at the present time; the sum paid as first fruits by each of those bishopricks, and the difference which is withheld from the poor clergy: —

Bishop.	Full Annual Value.	Paid as First Fruits.	Difference withheld from the Poor Clergy.
	£	£	£
Bishop of London . .	13,929	901	13,029
Winchester .	11,151	2873	8,278
Exeter . .	2,713	450	2,263
Worcester .	6,569	929	5,640

The injustice that has been done to the poor clergy is felt, not only by lawyers and divines, but by statesmen also. I shall quote the sentiments of a Noble Lord, which I am sure will receive due respect from every Gentleman in this House; but particularly from those on the opposite benches. The speech to which I allude was delivered to his constituents by the Noble Lord the Member for North Lancashire at the last general election, when his Lordship, with his usual energy, declared that, —

> He (Lord Stanley) thought that the pluralities should be reformed, and that the wealth of the Church ought to be appropriated to raise the livings of the poor clergy, instead of being devoted to purposes comparatively useless. He shared this opinion in common with those of every class in society; and one of the first acts of Sir Robert Peel's Administration was, to issue a commission for the purpose of ascertaining whether, by deducting from the wealth of the large livings and adding to the poorer, the Church would not be placed in a position to be more available for the instruction of the poorer classes of the community.

But though all men agree, as his Lordship has observed, that pluralities ought to be reformed; that the wealth of the Church ought to be applied to raise the livings of the poor clergy; and that a portion of the income of the rich livings should be added to the poor ones; yet what was done in this way in the long reign of George III., and during the reign of George IV.? Nothing; absolutely nothing! — In confirmation of the assertion of the Noble Lord the Member for North Lancashire, I might produce the Report of the Ecclesiastical Commissioners, presented to Parliament in 1835; from which it appears that there are nearly 2000 livings under the value of 100*l.* a-year; and yet the persons holding these benefices are required to sustain the rank of gentlemen. The Report stands thus: —

There are, in the Established Church of England and Wales, according to the Report of the Ecclesiastical Commissioners, —

	11	livings under	£10 a-year.
	19	— from	10 to £20 a-year.
	32	—	20 to 30 ditto.
	63	—	30 to 40 ditto.
	172	—	40 to 50 ditto.
Making . .	297	livings under	50 a-year.
There are .	305	— from	50 to £60 a-year.
	317	—	60 to 70 ditto.
	254	—	70 to 80 ditto.
	353	—	80 to 90 ditto.
	400	—	90 to 100 ditto.
Making . .	1926	livings under	100 a-year.
There are .	1602	— from	100 to £150 a-year.
And . .	1354	—	150 to 200 ditto.
So that there are	4882	livings under	£200 a-year.

Besides these, there are 5230 curacies varying from 40*l.* to 160*l.*, and averaging 81*l.* per annum each. From the same authority, it appears that there were, at the time of the presentation of that Report, 5728 bishopricks, dignities, and benefices, varying in value from 200*l.* to 20,000*l.* a-year. The scheme I shall submit to the House for the removal of these glaring irregularities is this: — First, to abolish the first fruits; second, to exempt all livings under the value of 300*l.* a-year from the payment, not only of first fruits, but also of tenths, after the next avoidance; and, third, to render all spiritual dignities and benefices in England and Wales, of the clear value of 300*l.* a-year and upwards, liable to the payment of the tenth part of the clear yearly value, after the next avoidance of such spiritual dignity or benefice. The plan recommended by the Select Committee which sat in the year 1837, of which my Honourable Friend the Member for Nottinghamshire (Mr. Gally Knight) was chairman, and of which I was a member, recommended that all benefices above the annual value of 300*l.* should make a yearly payment for the benefit of the poor clergy, upon the principle of the Irish Church Temporalities Bill, which advanced by a graduated scale from 2½ to 15 per cent. But I prefer the payment of tenths, partly because it has the sanction of law, and partly because it is of high antiquity, and in its name carries its amount and proportion. My Noble Friend the Secretary for the Colonies, in his Ecclesiastical Duties and

Revenues Bill, proposes to apply 130,000*l.* a-year, on the next avoidance, from the dignitaries of the deans and chapters, to the augmentation of the livings of the poor clergy. But, as the operation of this fund would be very gradual, and would carry on the work of augmentation slowly, both the plan of the payment of the tenths and that of the Noble Lord would be necessary to produce the effect that I contemplate; and for this purpose, I have entered into calculations to ascertain the sum that would be requisite in order to increase the small livings to 200*l.* a-year; and the following is the result of that calculation: —

297 livings, from £10 to £50 will require . . .	£48,315
1629 — 50 to 100	201,365
1602 — 100 to 150	120,150
1354 — 150 to 200	33,850
	403,680
Deduct sum proposed for augmentation by Lord John Russell's Ecclesiastical Duties and Revenues Bill . .	130,000
Leaving a deficiency of	£273,680

From which it would appear, that the sum of 273,680*l.* a-year will be necessary to augment the small livings to the amount of 200*l.* a-year each; and for this sum I have provided, by appropriating the tenth part of the livings from 300*l.* a-year and upwards.

The total clear annual revenue of the Church, as appeared from the Report of the Ecclesiastical Commissioners, was	£3,439,767
Deduct for livings under £300 a-year, not chargeable . .	1,036,844
	2,402,923
The tenths on which amount to	£240,292

to be augmented by the excess of tithe commutations over the amount returned by the Ecclesiastical Commissioners, which was very considerable, and swelled the revenue of the Church, represented at 3,439,000*l.*, to 5,000,000*l.* Having laid these statements before the House, I shall, for the present, satisfy myself with moving the following resolution, which I confidently hope will receive the sanction of the House: — "That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of abolishing the first fruits of the revenues of the Church, and rendering the tenths conducive to the more efficient augmentation of the maintenance of the poor clergy."

Mr. G. KNIGHT. — In rising to second this motion, I trust it is superfluous to state that I am not actuated by any feelings hostile to the Church; but, on the contrary, by an earnest wish for her welfare. I desire to see an alteration take place, for two reasons, — the condition of the poor livings, and the injustice — I had almost said the absurdity — of the distribution of the present impost. As a proof of the necessities of the poor livings, I will only state that, to augment the small livings, with the population of 300 and upwards, so that their incomes shall range from 150*l.* to 400*l.* a-year, according to the number of inhabitants, would require an additional sum of 276,691*l.* a-year; whilst to augment all the small livings to 300*l.* a-year (no extravagant allowance for a man who has to live respectably and bring up a family) would take a much larger sum. From this it is evident that no plan which is already before the House would provide a remedy. But it is not on this ground alone that I advocate the present inquiry. I advocate it fully as much on the ground of the capricious distribution of the existing impost. With respect to the existing state of the law on this subject, I must say, that it appears to me to favour the inquiry; for, according to the last statute passed on this subject, the 1st of George I. c. 10., bishops are directed to inform themselves, from time to time, of the true, clear, improved annual value of every benefice in their respective dioceses, and to certify the same to the Governors of Queen Anne's bounty, with a view to the more speedy augmentation of the poor livings. But even admitting that, as the law now stands, first fruits and tenths are only to be exacted in such proportions and from such parties as at present, it will not be disputed that Parliament has the right to interfere with them, — and the rather, because Parliament has more than once interfered on this subject already; — in the reign of Henry VIII., in that of Anne, in that of George I.; and, after the lapse of a century, it can scarcely be said that it is too early a period to review the subject again, or that revisions at such a distance of time need excite a just apprehension of frequent and vexatious exactions. Nor let it be said that we have any innovation in view. Let it not be said, for it cannot be said with truth, that we are seeking, for the first time, to tax the clergy. The tax already exists; the clergy are taxed already, — but they are taxed unequally. The tax, in its present shape, possesses the worst defects by which a tax could be accompanied, — it is unequal, and it is unproductive. By the Act of Anne, 'all livings of or under the value of 50*l.* a-year were exempted from the payment of tenths, and livings above that value were to continue to pay first fruits and tenths, according to the valuation taken in the time of Henry VIII. I need not detain the House by pointing out the immense difference between the value of livings in the time of Henry VIII. and their actual value at present, or the consequent little proportion which the tenths bear to the real value of tenths. But the House will do well to consider how infinitely above the mark of exemption most of the 50*l.* livings of Queen Anne's time are now; and also in what different degrees the circumstances of different livings have been affected. The 50*l.* livings of Queen Anne vary at this time from 300*l.* a-year to 800*l.*, and even 1000*l.*; none of these pay tenths: but all livings have not been affected alike; and thus it may happen that livings of inferior value pay, whilst many of high value are exempt. Altogether, out of 10,498 benefices, with or without cure of souls, only 4808 remain liable to the payment of tenths; and that, as I have said before, according to their value in the time of Henry VIII. The consequence is, that the fund which was devoted by Queen Anne to the augmentation of small livings does not exceed 14,000*l.* a-year; and nothing can more fully demonstrate how inadequate this fund is to its object, and how slowly it has advanced that object, than the present state of the livings it was meant to improve. After the lapse of a century, notwithstanding the additional aid of large parliamentary grants and private benefactions, the fund arising from tenths, though it has done much good, has not been able to effect nearly as much as we all desire.

I frankly own that I have two objects greatly at heart, — first, to augment the small livings, so as to secure a resident clergy; secondly, to provide a permanent fund for the erection of new churches. It is no part of my scheme to pull down the large livings for the sake of producing an equality, which, for many reasons, I think undesirable. There are various modes by which the payment of tenths could be more equitably arranged. The strict interpretation of the letter would exact from each living the tenth of its actual value. But I have nothing of so stringent a nature in view. A more equitable distribution of the impost is my chief aim. I entirely concur with the Honourable Member for Leeds in the propriety of altogether abolishing first fruits, which have been always severely felt. The moment of entering upon a living is not the moment when an extraordinary payment should be demanded. We equally propose that no change should take place during the lives of the present incumbents. We equally propose that all benefices of or below the value of 300*l.* a-year should be exempt from the payment of first fruits and tenths. We equally propose that all benefices above the value of 300*l.* a-year should, on the next avoidance, become liable to the payment of tenths, and not according to their value in the King's books, but according to the valuation taken in 1831. The amount of the tax is the next question, — whether it should be uniform or graduated. The principle adopted in the case of the Irish livings was a graduated scale, beginning at 2*l.* 10*s.* per cent. on livings of 300*l.* a-year, and gradually augmenting to 12*l.* 12*s.* per cent. on livings of 1000*l.* a-year and upwards. Another proposal is, that livings above 300*l.* a-year and under 500*l.* should pay 5 per cent.; above 500*l.* and under 800*l.*, 7 per cent.; above 800*l.* and under 1200*l.*, 10 per cent.; and above 1200*l.*, 15 per cent. Both these propositions appear to me to be too severe. I repeat, I have no wish to interfere with the principle of inequality in the incomes of the clergy. I think it better that there should be different degrees in the Church, as in other professions. I think it is useful that there should be attractive prizes in the ecclesiastical lottery. If all paid, I should be satisfied if all paid alike; and I should wish the payment to be so moderate as neither to be oppressive to the smaller livings nor to the larger. Upon the whole, therefore, I would be satisfied if 3 per cent. were to be exacted from all benefices above 300*l.* a-year, according to the valuation taken in 1831. Moderate as this tax would be, it would still produce a considerable sum, infinitely more than is raised at present. First fruits and tenths now produce only 14,000*l.* a-year; 3 per cent. on all benefices above 300*l.* a-year would produce rather more than 65,000*l.* a-year, which would at least augment the poor livings in a much more rapid ratio. I would wish to commit the distribution of this sum to the Board of Queen Anne's Bounty. They would be just as equal to the distribution of the larger as of the smaller sum. I have every reason to believe that the board has worked well; and, by continuing the trust in the same honourable hands, we should avoid the expense of salaried commissioners. It may be objected, that by this new arrangement of the tax, we should interfere with the value of property, by augmenting the value of benefices below 300*l.* a-year, and diminishing, in some degree, the value of those above that mark. It cannot be denied that this would be the case. But where the spiritual instruction of the people is concerned, I look upon this objection as a secondary consideration. Advowsons, above all things, partake of the nature of a trust, and might be justly submitted to such regulations as would best carry the object of so sacred a trust into effect. I have now, I think, left nothing unexplained that I wish to propose. I thank the House for their indulgence, and I earnestly hope that the House will consent to go into committee on the subject. The object of the Committee would be — inquiry: in committee, any plan might be adopted which the House in its wisdom might prefer; but the inquiry should be entertained to meet the general and reasonable wish for a resident clergy, and, in some measure, to supply the deficiency of spiritual instruction to the people.

Mr. GOULBURN. — I do not wish to detain the House with many observations on a subject which has been so frequently discussed, and on which so many, more able to form a correct opinion, have pronounced against the scheme of the Honourable Member for Leeds. The Honourable Member says, that it is expedient that the clergy should be subjected to the payment of 10 per cent. on their incomes, for the purpose of contributing to improve the incomes of the poorer clergy. Now, I think the principle of the Honourable Member's proposition would just be as applicable to all other property as to the property of the Church, to which I contend it ought not to apply. It must be recollected that first fruits were originally a popish imposition; and I suppose the Honourable Gentleman is so enamoured of the Pope, that he wishes to make him the model for his future conduct. The Pope, finding the income arising from first fruits to be very small, attempted to raise the whole value of the first fruits, and render the fund more productive. Against this, however, the Parliament protested; and this, too, it should be recollected, in Roman Catholic times. When Henry VIII. had assisted in establishing the Reformation, he transferred this fund, which had hitherto been the Pope's, into his own treasury; and this monarch was contented to receive a fixed payment: but he was more lenient than the Pope. Sir, will any one say that those livings which in former times were exempted from payment, should now be called upon to be taxed for this purpose? True, many of these livings have increased in value; but in the same way, in many instances, landed property has risen in value; and would the owners of that property think it just to call on them to make a contribution from that property, in proportion to its increased value? The Crown never attempted to interfere with this property, even in the most difficult times, when the Crown often laid its hands on what it had not a right to, as well as on what it had a right to. My Honourable Friend (Mr. Gally Knight), in referring to the Act of George I., has drawn an inference which the wording of that Act does not justify. The Act of George I. was passed with a totally different object. It required that every bishop should, from time to time, certify the value of every living in his diocese. But this was not enacted with a view to tax these livings on their improved value, but in order that, from time to time, the small livings should be augmented. All livings under 50*l.* per annum were exempted by statute from all payment on account of church rates; and I do not see how there can be any just right to impose a tax on those clergy who have been hitherto exempted. Henry VIII. left this charge at the amount at which it had been fixed by the Pope; and no succeeding monarch has attempted to raise that amount. The question is, will you consent to impose a general tax, which must include a class of individuals hitherto exempted from this taxation? I think the proposition is open to grave and serious objection. I object, also, to another principle of the Honourable Member for Leeds, namely, his attempt to equalise livings. I do not think the principle of equalisation at all desirable, especially in the Church. It is not found in the other professions, — the army, the navy, or the law, — nor does it exist in the main body of our society. Fortunately, it does not; for inequality of condition is the greatest impulse to exertion; and a contrary state would only tend to produce indolence and want of exertion. I think, with respect to the clergy, if they were reduced to an equal scale, in point of condition, that, humanly speaking, a great stimulus to exertion would be gone. I am sure that higher motives would be found to actuate them; but when laymen are about to legislate, they cannot put out of their minds all consideration of those motives which are found to actuate mankind in general. I think there is another objection, — that such a plan might influence young men in the choice of a profession, and make them consider whether another profession might not offer them more advantages. Having argued this question, on various occasions, I will not further intrude on the House, than merely to state, that, on these grounds, I am opposed to this motion.

LORD JOHN RUSSELL. — I will state very shortly to the House my reasons for not agreeing to the motion of my Honourable Friend behind me. I think the Right Honourable Gentleman opposite has stated very truly, that, according to law, there exists no right, on the part of Parliament, to consider the first fruits or tenths of the Church as applicable to the maintenance of the poorer clergy. That, however, is the supposition on which my Honourable Friend founds his motion; and it seems to be supposed by him, also, that because, in the time of Henry VIII. and Queen Anne, the funds of the Church were applied in this manner, this right still exists. The only right, however, which exists, in my opinion, is what the Act of Anne gives; and whatever may have been the conduct of the Pope in regard to these matters, the Act of Parliament fixed the right of the clergy; and whatever they were entitled to receive, under the interpretation given to that Act, they are now entitled to receive, and no more. From all the best authorities that I have been able to consult, they have no claim in law beyond that. There is one point, however, on which I cannot concur in the reasoning of the Right Honourable Gentleman opposite. I do not think it to be either unadvisable or unjust to raise a general tax, to a certain amount, for the purpose of increasing the smaller livings. The Right Honourable Gentleman argues that one class of the clergy ought not to be taxed for the benefit of another; but I cannot go along with him in his reasoning, that it would be either impolitic or unjust to tax the richer livings for the benefit of the poorer clergy, provided that the enforced payment be neither exorbitant nor oppressive; and if, as I believe, the Church would be benefited by it, I think that would be a sufficient argument in its favour. As regards the suggestion of the Honourable Member for Nottinghamshire, — namely, to put a tax of 3 per cent. on all livings of 300*l.* per annum and upwards, — I do not think it unfair in itself, nor adverse to the best interests of the Church. But I think, notwithstanding, that the tax proposed is one to which many persons might object upon principle, and which would certainly be also unpalatable to the general body of the clergy. If we look to the Report of the Ecclesiastical Commissioners, it will be found that there are several parishes where the population does not exceed 30 or 40 individuals. It is reasonable that the incomes of these livings should be small; but they are often held in conjunction with other livings. I therefore think it unadvisable that we should enter on the subject in a General Committee of the House, for the reasons stated, as well as because I think that notice should be given to the whole body of the clergy. On these grounds, I am not prepared to go with my Honourable Friend on this occasion. The matter of this motion has been so fully discussed before, that I shall not detain the House longer. However, I may say, before I sit down, that there are several measures now before Parliament which render it inexpedient to discuss this more largely, inasmuch as they provide for very nearly the same purposes as that proposed by my Honourable Friend. I shall, therefore, not vote with my Honourable Friend on this occasion.

Mr. G. VERNON HARCOURT. — I feel it my duty to deny the assertion of the Honourable Member for Leeds, that the higher clergy are violating their duty in respect of Queen Anne's bounty, and withholding from the poorer clergy that which of right belongs to them. The bishops have no more power over that fund than the Honourable Member himself; and this the Honourable Gentleman knows perfectly well, though the whole object of his speech seemed to be to cast odium on the superior clergy. Though I am not opposed to any fair augmentation of small livings, I shall oppose the motion, because I do not consider that is its purpose. With respect to giving my support to any measure for the abolition of cathedral sinecures that may be brought forward, I wish to guard myself, as being supposed to be pledged in respect of the support of any measure that goes to interfere with the right of private patronage. I do not question the Honourable Member's right to interfere in matters of this kind; but I am sure the clergy would be better disposed to allow the present disposition of church property to remain as it is, than to owe any advantage to such means as those proposed.

Mr. HORSMAN. — I must protest against the doctrine broached by the Right Honourable Gentleman opposite this night, that, instead of giving a competent income to every clergyman, on which he might be able to live respectably, it is desirable to render the stipends of the clergy unequal, in order to offer a temptation to persons to enter the Church as a matter of speculation. The Right Honourable Gentleman distinctly stated, that these inequalities should be supported, in order that those who enter the Church might have them to look forward to, — a doctrine against which I must enter my protest; and having had many opportunities of seeing the way in which the clergy of Scotland perform their duty, without the existence of any such invidious inequalities as these, I must say, that I think we ought not to admit of any such, in order to induce persons who enter the clerical profession to do their duty. The doctrine of the Right Honourable Gentleman is certainly not one which ought, in my opinion, to be heard in this House.

Mr. GOULBURN. — I wish, in explanation, merely to state, that, as a general principle, I consider inequalities in any class of the community, an evil. With respect to the clergy, all I intended to convey was, that if a young man, in choosing a profession, were to see that in any particular one there was a prospect of advancement, he would naturally look to that profession as the best for him to adopt.

Mr. ANDREW WHITE. — But for the remarks of the Right Honourable Gentleman the Member for the University of Oxford (Mr. Goulburn), it was not my intention to have taken any part in this discussion. Although equalising the incomes of the clergy might (as the Right Honourable Gentleman has said) be an evil; yet the monstrous inequality now existing is a greater evil. The Returns laid before Parliament in 1834 stated the annual revenue of the Church to be about 3,800,000*l.*; but this is now understood to have been an under estimate: the sum must be, at least, 4,000,000*l.* Out of this large sum, about 6000 curates receive, on an average, 80*l.*; but some hundreds receive under 50*l.* There are nearly 5000 benefices averaging only 110*l.* The total amount paid to those 11,000 working clergy is under 1,000,000*l.*, leaving the clerical aristocracy 3,000,000*l.* per annum. I contend that the whole of this property should be sacredly devoted to the spread of Christian knowledge; and that its present distribution is derogatory to the Established Church, and calculated to alienate from it, more and more, the affections of the people. The working clergy are entitled to the sympathy of every philanthropist. Many of them, after having their feelings refined by a liberal education, are compelled to accept of a remuneration not exceeding the wages of a gentleman's butler. The Honourable and Gallant Member for Oxfordshire has taunted the Honourable Member for Leeds, that, as a Dissenter, he should not interfere in church matters; but I believe the country highly appreciates the untiring exertions of my Honourable Friend, in behalf of the poorer clergy; and also the labours of the large and increasing body of non-conformist ministers, who are successfully endeavouring to promote the moral and religious improvement of the people.

Mr. BAINES. — The Honourable Member for the hundred of Bassetlaw says, that my motive in bringing this question forward is, to cast odium upon the clergy; but if the Honourable Gentleman were to see the letters from clergymen, upon this subject, which I have in my possession, he would form a different opinion, no doubt; as he would, then, the better be able to judge of the difference between the condition of the rich and the poorer clergy. He also seems to wish to impress a principle on this House, to which I am by no means disposed to submit. I will not, whether I am a Dissenter or not, yield my right to bring forward a motion of this description in this House; and I can assure the Honourable Gentleman, that I will never relax in my vigilant exertions to effect the object I therein have in view. I have as much right as any other Member of this House to make such a motion; and although it is not the first time the Right Honourable Gentleman has treated my motion in this manner, I can assure him I will not be restrained from doing that which I consider my duty. If the Honourable Gentleman thinks to put me down by these means, all I can tell him is, that he has very much mistaken his man. Honourable Gentlemen have spoken of this question as a matter of law; but their opinions upon the matter differ from those of Lord Eldon, of Mr. Agar, the late Queen's counsel, and of Sir John Newport. The Right Honourable Gentleman opposite says, "Give us the authorities on the other side." Now, one of those authorities is certainly a high one — namely, Lord Plunket: but there was also Lord Grey, a man of most honourable mind, among them; and there is no doubt that he was misled, in forming his judgment upon this subject, by the supposition that the authorities were decided upon the point. I admit, that they are, to a certain extent, conflicting. The Act says, "Wherever there is a doubt give it in favour of the poor curates:" but, let me ask, has that ever hitherto been the case? It appears to me, that the authorities are in favour of the poor curates; and as the charter of Queen Anne is in their favour, I certainly think they ought to have the benefit of any improvement in these revenues. There is one point on which I have been misunderstood, which is this; that I am accused of a wish to put the richer and poorer clergy on a perfect equality. Now, I really never intended or proposed any such thing as to put the incomes of all the clergy upon a footing of equality; and my object simply is, to provide that the income of none of the poorer clergy shall be less than 200*l*.

[Cries of "Divide!"]

Mr. G. V. HARCOURT. — I merely rise to say, in explanation, that the Honourable Member has quite misunderstood me, in supposing that I dispute his right, as a conscientious Dissenter, to bring forward such a motion as this, if he pleases.

The SPEAKER. — The question is, "That this House resolve itself into a Committee of the whole House, to take into consideration the propriety of abolishing the first fruits of the clergy in England and Wales, and the more effectually rating and the better collection of the tenths applicable to the augmentation of the maintenance of the poor clergy."

The House then divided: — Ayes 38, Noes 17; Majority 21.

AYES.

Aglionby, H. A.
Aglionby, Major
Barnard, E. G.
Bewes, T.
Busfeild, W.
Butler, Hon. Colonel
Collier, J.
Curry, Mr. Serjeant
Davies, Colonel
Finch, F.
Greg, R. H.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Horsman, E.
Hume, J.
Humphery, J.
James, W.
Lushington, C.
Marshall, W.
Muskett, G. A.
O'Connell, D.
Pryme, G.
Rickford, W.
Rundle, J.
Salwey, Colonel
Stansfield, W. R. C.
Stewart, James
Strickland, Sir G.
Thornely, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wood, B.

Tellers.
Baines, E.
Knight, H. G.

NOES.

Acland, T. D.
Bell, M.
Brodie, W. B.
Goulburn, Rt. Hn. H.
Hodgson, R.
Macaulay, Right Hon. T. B.
Morpeth, Lord Visct.
Perceval, Colonel
Pigot, D. R.
Plumptre, J. P.
Pusey, P.
Russell, Lord J.
Sibthorp, Colonel
Sutton, Hn. J. H. T. M.
Vere, Sir C. B.
Vernon, G. H.
Wood, Colonel T.

Tellers.
Freshfield, J. W.
Gordon, R.

The House then went into committee; Mr. Aglionby in the chair.

Mr. BAINES. — I will not now detain the House by any further discussion, but simply content myself with moving two resolutions for the adoption of the Committee. The first resolution, and which I will now submit to the Committee, is as follows: — "That it is expedient to make provision for the abolition of first fruits and tenths of the clergy, as at present enforced in England and Wales, after the next avoidance; and in lieu thereof, to levy an annual assessment of one tenth part of the clear annual value upon all archbishopricks and bishopricks, and upon all dignities, benefices, and other spiritual promotions above the clear yearly value of 300*l*.; to be applied, in the first instance, to the augmentation of the maintenance of the poor clergy; and, afterwards, to the building and rebuilding of churches, and such other purposes as may conduce to the interests of religion."

Question put.

Mr. GOULBURN. — Is it the intentin of the Honourable Member to bring in a Bill?

Mr. BAINES. — It is; and my next resolution is to that effect.

Mr. GOULBURN. — Then I will not

give the House the trouble of dividing again on the present occasion.

The resolution was then agreed to.

Mr. BAINES. — Before I move the next resolution, I hope I may propose to the Honourable Member for North Nottinghamshire to bring in, with me, a Bill, founded upon the resolution to which the House has just agreed?

Mr. GALLY KNIGHT. — I fear I must decline the honour of bringing in the Bill, on the ground that I think the tenth too large a proportion of the revenue to be paid by the clergy.

Mr. BAINES. — The resolution I have now to move, Sir, is, "That a Bill be brought into Parliament, grounded on the foregoing resolution."

The resolution was put, and agreed to.

The CHAIRMAN then reported progress; and the House resumed.

OFFICIAL PENSIONS.

Mr. HUME. — I beg to move, Sir, for a Return of the amount of money paid as pension to each person under the Acts 57 Geo. III. c. 65., and 6 Geo. IV. c. 90., from the passing of them up to this time; stating the amount paid in each year to each person, and the total amount to each person; also, of the aggregate charge to the public for those pensions in each year to the present time, and the total paid.

Agreed to.

PROOF SPIRITS.

Mr. BAINBRIDGE. — I beg to move, Sir, for an account of the total gallons of proof spirits distilled in England, Scotland, and Ireland, respectively; distinguishing the quantities produced from malt, and from a mixture of malt and unmalted grain, or from any other ingredient; showing, also, the total quantity of each sort in the United Kingdom, for the year ending the 5th day of January, 1840.

Account of the number of gallons of proof spirits (distinguishing the sorts) on which duty was paid for home consumption in each of the three kingdoms, with the rate per gallon, and amount of such duty; also, the total of gallons and duty in the United Kingdom, for the year ending the 5th day of January, 1840.

Account showing, under separate heads, the number of gallons of proof spirits (distinguishing the materials from which made) imported into each kingdom from each of the others respectively, and including, in the cases of England and Scotland, those conveyed either by land or sea; stating, also, the rate of duty per gallon, and the total amount thereof in each case, and what portion of such duty was paid on removal of the spirits from bond, and what after their arrival at the place of destination, for the year ending the 5th day of January, 1840.

Account of the total number of gallons of proof spirits permitted out from distillers' stocks in England, and the total number of gallons proof of British brandy and spirits of wine permitted out from rectifiers' stocks in England, for the year ending the 5th day of January, 1840; also, the stocks remaining in the hands of English distillers on the 5th day of January, 1840.

Account of the total number of proof gallons of rum, brandy, Geneva, and all other spirits, that paid duty in each kingdom, from the 5th day of January, 1839, to the 5th day of January, 1840; rate of duty per gallon, and amount thereof; total number of gallons of each kind, and total duty thereon; total number of gallons of all kinds, and total duty thereon, for the United Kingdom: showing the total number of proof gallons of all kinds that paid duty, and total amount thereof, in each kingdom; and total number of gallons, and total duty thereon, in the whole of the United Kingdom, from the 5th day of January, 1839, to the 5th day of January, 1840.

Agreed to.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD JOHN RUSSELL. — I beg to move the Order of the Day for bringing up the Report on the Municipal Corporations (Ireland) Bill.

LORD VISCOUNT MORPETH. — Sir, as my Honourable and Learned Friend the Solicitor General for Ireland has some amendments which he wishes to have inserted in this Bill before the Report is received, I will now propose, with the view of saving you, Sir, considerable trouble and inconvenience, that the Bill be recommitted for the purpose of having all the amendments inserted at once before the Report is brought up. I move, therefore, that this Bill be now recommitted.

The motion was agreed to, and the House went into committee upon the Bill; Mr. M. O'Ferrall in the chair.

COLONEL PERCEVAL. — I have a motion to submit, Sir, with respect to the 101st clause of this Bill. By Clause 100. commissioners are to nominate and give salaries to certain officers. The Clause 101. is in the nature of a proviso to the foregoing one; and my object is to secure the omission from that proviso of the words "other than such as shall usually have been appointed." My object, in proposing that these words be struck out, is, that it appears that there should be a check placed on the new town councils, as to the creation of new officers, and the salaries to be given them. For instance, if you take the city of Dublin out of the control of the Lord Lieutenant, in the Bill, as it now stands, there is nothing to prevent the town council from giving to any future lord mayor of that city any amount of salary whatever. I by no means wish to check the town councils from giving their officers a proper salary; but I do say that such salary is a matter which ought to be submitted to the Lord Lieutenant for his approval. My wish is, to check the unlimited power which is given to the town councils to vote out of the means of the corporations any sums they may choose; and to give the Lord Lieutenant a controlling power in this respect. The Lord Mayor of Dublin has at present a salary of 500*l.* a-year, paid out of a particular rate; and this Bill will take that away from him, and, at the same time, provide for his remuneration in another way. I do not see why the Noble Lord should not let these words be struck out, and why this, as well as every other case, should not be submitted to the ultimate control of the Lord Lieutenant. I therefore move, Sir, the omission, in Clause 101., of the words "other than such as shall usually have been appointed."

LORD VISCOUNT MORPETH. — I think that this clause, as it stands, draws a very fair distinction between any new offices that may come under some new controlling power, and those old offices which have existed from time immemorial, and over which the corporate body has exercised a jurisdiction. The amendment proposed by the Honourable and Gallant Member implies, in my opinion, a suspicion and distrust of the new corporations, to which I will not make myself a party; and, in addition to this, I think it is both unnecessary and offensive.

Mr. GOULBURN. — I must say, that I do not think that the observations of the Noble Lord afford any answer whatever to the proposition of my Honourable and Gallant Friend. I do not see that the amendment of my Honourable and Gallant Friend throws any greater light of suspicion upon the new corporations than the clause itself, which provides various checks; and I agree in the propriety of giving the Government in Ireland a control over any extravagant application of the public money. The liberality of people in Ireland is such that they are always more disposed to err on the side of extravagance than on that of economy.

COLONEL PERCEVAL. — I can assure the Noble Lord that I have not the slightest intention of casting any imputation on these new officers, and that my only object is, to place the salaries, to be appropriated under the new Bill, under the control of the Lord Lieutenant.

Mr. PIGOT. — The effect of this amendment is, that it will go much further than even the intention of the Honourable and Gallant Member himself; for it will not only restrict the salaries of these officers, but it will restrict the corporation from appointing officers at all. It will prevent the new corporations from re-appointing any of the old officers, or appropriating their salaries, without the approval of the Lord Lieutenant; so that the appointment of every officer who has been appointed from the granting of the charter to the present time would have to be brought under the consideration of the Lord Lieutenant and the council. In my opinion, the amendment is not merely unnecessary and offensive, but it is calculated to do away with all the benefit of the measure.

The question, "That the words be left out of the clause," was then put, and negatived, without a division.

Mr. O'CONNELL (to the Treasury benches). — Are we to go on with these clauses now?

[An observation was here addressed to the Honourable and Learned Member, in an under tone, by VISCOUNT MORPETH and Mr. PIGOT.]

Mr. GOULBURN. — The Noble Lord

and the Honourable and Learned Member for Dublin seem to understand each other very well; but we on this side of the House are left in perfect ignorance of what is going forward.

LORD MORPETH. — What I was saying was simply this, that if the Honourable and Learned Member for Dublin wished to propose any new clauses, now was the time for him to come forward and state what his proposition was.

Mr. GOULBURN. — I appeal to the House whether some question has not passed between the Honourable and Learned Member and the Treasury benches as to who has got the clauses that are to be proposed.

LORD MORPETH. — Then, the Honourable Gentleman has entirely mistaken what passed.

COLONEL PERCEVAL. — The Honourable and Learned Member for Dublin certainly addressed himself to the Solicitor General to know whether he was to propose the clauses. The thing was quite plain.

Mr. PIGOT. — The clauses which it was intended to introduce have been printed with the Votes of the House, and the observation which I made was directed to this circumstance. The Honourable and Learned Member for Dublin appears not to have been in the House when the Noble Lord near me suggested that, instead of the amendments being proposed distinctly and separately, the Bill should be re-committed, for the purpose of having them printed. It was this that I was explaining to the Honourable and Learned Member, — and that is all.

Mr. GOULBURN.—The request which I make is a very humble one, — simply to know what the substance of the clause is. Perhaps, however, we are so few on this side of the House that we are not entitled to have that curiosity gratified.

Mr. O'CONNELL. — Your curiosity might have been gratified this morning, for my amendments have been printed with the Votes; and all I wanted to know from the Solicitor General was, whether he was going on with the clauses of which he had given notice, or whether I should go on with mine? I will now state, that it is my wish to introduce two new clauses into this Bill; one after Clause 207., and another after Clause 208. I think that one of the objects of this measure ought to be to prevent, as far as possible, the excitement of those feelings of resentment which will naturally exist under the circumstances, and which must, of necessity, arise from transitions such as this Bill will create. The new corporations will have the power of removing existing officers from their situations. This was the case with the English Bill; but the English Bill, at the same time, removed officers without giving them immediate remuneration. Now, it is well known that the old officers of these corporations are great political partisans; and it will be in the power of the new officers, on coming in, to expose them to many very serious annoyances; and what I am anxious to do is, to give those officers the power of resigning within three months after the first election of councillors; and that, if they choose to resign within that period, they shall not go without being entitled to compensation. I beg to move, therefore, that the following clause be inserted in the Bill, after Clause 207.: — "And whereas it is desirable that every officer of any borough named in the said Schedule A, to this Act annexed, who shall be in any office of profit at the time of passing this Act, and who may be subject to removal from his office under the provisions thereof, should have the power to resign within a limited period:

Be it enacted, that it shall and may be lawful to and for every such officer, within the period of three calendar months next after the first election of councillors in such borough, under the provisions of this Act, to resign any office of profit which he may hold in such borough; and every such officer who shall or may so resign his said office shall be entitled to compensation in like manner as if he had been removed from his office under the provisions of this Act, anything before contained to the contrary thereof in any wise notwithstanding."

COLONEL VERNER. — In the absence of an Honourable Friend, whose intention it was to have seconded this clause, I will second it myself; and I hope that, coming from the quarter it does, it will meet with the favourable acceptance of the Noble Lord opposite. The clause, indeed, contains nothing more or less than a principle of common justice; inasmuch as most of the persons who will be affected by it have held offices in the existing corporations for many years: and although they may, in several instances, not require compensation; yet, if this clause be not inserted, many of them may be so circumstanced as to wish to resign, and still have no means of obtaining remuneration. Again, as has been observed, their situations might be made so disagreeable to them that they could not, on any account, continue to hold them. There is one individual, who, I understand, has been connected with the corporation of Dublin for fifty years, and has held office during the whole of that long period with credit to himself and advantage to the public. Now, if this gentleman should, after his long and meritorious services to his fellow citizens, be desirous to resign, he and his family might, however unjustly, fail to obtain that remuneration to which they are entitled. This clause involves a principle of common justice; and I should like to see it, as well as the other clause about to be proposed by the same Honourable and Learned Member, embodied in the clauses of the Honourable and Learned Solicitor General opposite.

COLONEL PERCEVAL. — It is only common justice to give these persons the power of resigning, if they please. In this I agree with the Honourable and Learned Member and my Honourable and Gallant Friend. I cannot, however, help calling the attention of the House to the evidence we here have of the truth of the argument which has been so frequently used with respect to this Bill,— namely, that it will transfer the whole power in these boroughs from one party to the other.

Mr. O'CONNELL. — I am sorry that the Honourable and Gallant Member has given that qualifying addition to his support of this clause. The transfer that will be created by this measure will be from a limited number to the citizens at large; and the moneys they will have the control of do not come out of any public fund, but out of the corporate revenues of the borough; so that the public cannot suffer any loss by the change of hands.

LORD JOHN RUSSELL. — It seems that there is a much better understanding between the Honourable and Learned Gentleman and the Honourable and Gallant Gentleman opposite, upon the subject of this amendment——

[Laughter.]

— than there is between the Honourable and Learned Gentleman and the Government; for I confess that I feel great difficulty about the clause. In the first place, it seems to take for granted that there will be, in most cases, an entire difference between the parties holding offices in the new corporations and the existing officers; and, in the next place, the clause appears to be calculated to lead to some agreement or bargain between the different parties in the corporations, by which large compensation will be given to particular persons, in order to obtain the appointment to the offices which they hold; so that a great additional expense will be imposed upon the inhabitants. I think the clause is liable to that interpretation, and that it will necessarily lead to the introduction of other clauses; and I therefore am not prepared to agree to it.

Mr. HUTTON. — I must say, that I take the same view as the Noble Lord has done of the clause now proposed by my Honourable and Learned Colleague.

The clause was then put, and negatived.

Mr. O'CONNELL. — I hope that the Government will not resist the next clause I have to propose. They have admitted the claims of Mr. Dickinson and of the sword bearer and marshal of Dublin to compensation; and the four junior aldermen of that city have precisely the same claim. The Lord Mayor is allowed a compensation for his expectancy of the office of president of the Court of Conscience; and each of the four junior aldermen would, in rotation, become Lord Mayor, as certainly as the present Lord Mayor would become president of the Court of Conscience if this Bill were not to pass. The office of alderman, too, let it not be forgotten, is one of considerable dignity, inasmuch as aldermen are, *ex officio*, magistrates; but that office is taken from them by this Bill. The compensation, too, which I wish to secure to them comes out of the funds of the corporation; so that the public would lose nothing; and this clause really proposes nothing more than what is an act of common justice to these individuals. I will, therefore, Sir, move that the following clause be inserted after Clause 208.: " And be it enacted, that it shall be lawful for the town council of the borough of Dublin to grant compensation to each of the present four junior aldermen of the city of Dublin, one fourth of the amount of the average profits received, as judge or president of the Court of Conscience in Dublin, by each person who, for the five years ending the 29th day of September, in the year 1838, served the office of Lord Mayor of the said city, or by his deputy; and each such junior alderman shall verify, on oath, to such town council, a statement of such profits, in lieu of the statement hereinbefore required to be made of the amount received by the person claiming compensation, or his predecessors."

Question put.

COLONEL VERNER. — After the fate of the last clause, and in the present thin state of the House, I consider it almost useless to press this amendment, as the two Noble Lords opposite appear determined, or have their instructions, to resist every amendment that has any connection with this side of the House.

COLONEL PERCEVAL. — The argument of the Noble Lord on the last clause does not apply to this. I hope the Noble Lord will take into consideration the very heavy expenses to which these persons are exposed; and I really think, under the circumstances of the case, that the Honourable and Learned Member has laid before the House irresistible grounds for the adoption of this clause.

Mr. PIGOT. — I do not know what the Honourable and Gallant Gentleman means, when he talks of the Noble Lords near me having received instructions to oppose these clauses. I conceive that the cases now put forward by the Honourable and Learned Gentleman are widely different from that of the Lord Mayor, and from those other cases to which he referred, and in which it clearly appeared, that the parties had an insurable interest in the offices which they hold. At the same time, I do not say that there might not be some claim for compensation in these cases. I will, therefore, not directly oppose the clause now offered, but will propose to amend it in this way,—"That it shall be lawful for the town council of the borough of Dublin to grant, by way of compensation, to each of the four junior aldermen of the city of Dublin, such sum (not exceeding one fourth of the amount of the average profits received, as judge or president of the Court of Conscience in Dublin, by each person who, for the five years ending the 29th of September, in the year 1838, served the office of Lord Mayor of the said city, or by his deputy), as to such town council, or to the Lords Commissioners of Her Majesty's Treasury, on appeal, shall seem to be just; and further, that if it shall appear that any of the said four aldermen shall have received or acquired any title to any sum or benefit since the month of August, 1839, which ought justly to be taken into account in estimating such compensation, the same shall be considered, in fixing the amount of compensation, as extinguishing his claim or reducing its amount." To the clause thus guarded, I shall not object.

Mr. O'CONNELL. — I am afraid the words of this proviso are so vague and general, that they would lead to embarrassment; and I do not know if I ought to accept a clause of so indefinite a character. I should wish to know whether it is intended by this clause to give the aldermen a right of appeal to the Commissioners of the Treasury?

Mr. PIGOT. — Yes.

Mr. O'CONNELL. — If that be so, it is difficult to quarrel with this limitation. I repeat, however, that I am afraid of the generality of the terms of the latter proviso. Is the remuneration to be confined to pecuniary benefit?

Mr. PIGOT. — The words of the proviso are, "any sum or benefit which ought justly to be taken into account."

Mr. O'CONNELL. — I think it would be requisite to insert the word "pecuniary."

Mr. PIGOT. — I have no objection.

Mr. O'CONNELL. — There seems to be some suspicion on the mind of the Honourable and Learned Gentleman, that the corporation may vote away the pipe water debentures, or something of that kind; but I think the previous Act will prevent the corporation from disposing of this property. I wish not to affect to give compensation with one hand, and withhold it with the other.

COLONEL PERCEVAL. — I certainly think the proviso will operate suspiciously against the aldermen, and that it will injure their characters to an extent not to be compensated by any pecuniary remuneration. It would be better to reject the clause altogether. If the Honourable and Learned Gentleman has any ground of suspicion, let him state it to the House, or else leave the clause in its present state.

Mr. HUTTON. — I thought the clause, in the first instance, highly objectionable;

because I consider these gentlemen have no right to call for any such provision. They knew, when they solicited the office, that a Bill had passed this House for the abolition of corporations; and therefore they can have no claim, in fact or in any way whatever, to any compensation for any imaginary loss. Where a proposition is wrong in principle, no amendment can set it right; and if I go out with only one supporter, I will certainly divide the House.

Mr. PIGOT. — I had not the least intention of casting any reflection on the aldermen. My anxiety was, that we should not set a precedent for further demands.

COLONEL PERCEVAL.—My object has been fully answered by the declaration of the Honourable and Learned Gentleman.

Hr. HUME. — I hope the word "pecuniary" will be inserted.

Mr. PIGOT. — It is already inserted.

Question put, — "That the clause, as amended, be added to the Bill."

The Committee divided: — Ayes 30, Noes 10; Majority 20.

AYES.

Archbold, R.
Barnard, E. G.
Blandford, Marquess of
Brodie, W. B.
Browne, R. D.
Busfeild, W.
Dunbar, G.
Gordon, R.
Hodgson, R.
Hollond, R.
Howard, Sir R.
Hume, J.
Lushington, C.
Morpeth, Lord Visct.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
Perceval, Colonel
Plumptre, J. P.
Russell, Lord J.
Somers, J. P.
Somerville, Sir W. M.
Stock, Dr.
Sutton, Hn.J.H.T.M.
Turner, W.
Verner, Colonel
Wallace, R.
Wood, Sir M.
Wood, B
Wyse, T.

Tellers.
Curry, Mr. Serjeant
Pigot, D. R.

NOES.

Ellis, W.
Hawes, B.
Hobhouse, T. B.
James, W.
Marshall, W.
Scholefield, J.
Thornely, T.
Vigors, N. A.
Wakley, T.
Wood, G. W.

Tellers.
Hutton, R.
Strutt, E.

Clause added.

Mr. BLAKE. — I propose to omit the proviso at the end of the 106th clause, relating to the pilot of Galway. On several occasions, I have been intrusted with petitions complaining of the losses occasioned in the bay of Galway, by the insufficient number of pilots; and I trust the Honourable and Learned Gentleman will consent, for the present, to strike out this proviso. I think the vested right of the pilot will be protected in the same way that the rights of other parties are guarded in the compensation clause.

Mr. PIGOT. — I certainly do not feel at liberty to abandon this proviso; for, up to the present time, it has never been complained of. The object of it is, to secure to the individual holding the office the continuance of that office during his life. I propose to amend the clause, so that it shall place him under sufficient control, and give to the Government, when he shall vacate the office, the power to make new regulations.

Mr. BLAKE. — I cannot see why Galway should be deprived of the privilege of having pilots appointed in the same manner as they are appointed at other ports. I do not wish to make use of any offensive expressions; but I cannot see any honest motive for introducing this proviso, which will certainly make the Bill very unpopular in the town which I have the honour to represent.

LORD MORPETH. — I cannot consent to omit the proviso, without making some inquiry. The words of my Honourable and Learned Friend leave the office open to subsequent improvements.

Mr. BLAKE. — I cannot imagine why the new corporation of Galway should not have the appointment in the same manner the old corporation had.

COLONEL PERCEVAL. — It appears to me that the opposition to striking out the proviso is not very decided, and perhaps the Noble Lord will consider the propriety of doing so before the third reading of the Bill.

Mr. BLAKE. — If the Noble Lord can give any good reason for placing Galway in a different position from other ports, I will not object to the proviso.

LORD MORPETH. — I think the proposition now made is quite fair, and I will make further inquiry.

Mr. BLAKE. — Under these circumstances, I am perfectly satisfied.

LORD JOHN RUSSELL. — Sir, I hope there will be no objection to the printing of the Bill with the amendments, and I propose to take the third reading on Monday next.

The House resumed.

Bill reported; to be read a third time on Monday next. Bill, as amended, to be printed.

SUPPLY.

Resolution (28th February) reported:—

That a sum, not exceeding 1,142,504*l.*, be granted to Her Majesty, to defray the charge of wages to seamen and marines, and to the ordinary and yard craft, which will come in course of payment during the year ending on the 31st day of March, 1841.

Resolution agreed to.

Resolutions (2d March) reported: —

1. 602,610*l.*, for charge of victuals.
2. 122,096*l.*, for salaries and contingent expenses of the Admiralty.
3. 2980*l.*, for registry of merchant seamen.
4. 27,433*l.*, for scientific departments.
5. 122,236*l.*, for naval establishments at home (officers and contingent expenses).
6. 21,010*l.*, for naval establishments abroad (officers and contingent expenses).
7. 528,723*l.*, for naval establishments at home (wages of artificers, &c.).
8. 28,330*l.*, for naval establishments abroad (wages of artificers, &c.).
9. 1,038,666*l.*, for naval stores.
10. 193,174*l.*, for new works, &c., naval yards.
11. 17,669*l.*, for medicines and medical stores.
12. 110,130*l.*, for naval miscellaneous services.
13. 758,657*l.*, for half pay to officers of the navy and Royal Marines.
14. 512,355*l.*, for military pensions and allowances.
15. 187,263*l.*, for civil pensions and allowances.
16. 174,374*l.*, for army and ordnance departments.
17. 68,841*l.*, for conveying convicts.

The first twelve resolutions agreed to; further consideration of the thirteenth, fourteenth, and fifteenth resolutions postponed till Tuesday next; sixteenth and seventeenth resolutions agreed to.

JUVENILE OFFENDERS BILL.

On the motion of Sir E. Wilmot, Committee nominated:—Sir Eardley Wilmot, Sir Matthew Wood, Mr. Sanford, Mr. Alston, Sir Harry Verney, Mr. Packe, Mr. Codrington, Mr. Robert Palmer, Mr. William Miles, Major Aglionby, Mr. Aglionby, Mr. Buck, Sir John Yarde Buller, Mr. Edward Stanley (Cumberland), and Mr. Pendarves. Power to send for persons, papers, and records. Three to be the quorum.

PAPERS, RETURNS, &c.

Schools of Design. — Paper (presented 2d March). — To be printed.

Navy. — Return (presented 2d March). — To be printed.

Adjourned at a quarter before eleven o'clock.

HOUSE OF COMMONS, Mercurii, 4° die Martii, 1840.

PRIVATE BUSINESS.

Weaver Churches.—Report from Select Committee on Standing Orders (28th of February), read. — Bill ordered to be brought in by Sir Philip Egerton and Sir Robert Harry Inglis.

Morton Carr Drainage. — Report from Select Committee on Standing Orders (28th of February), read. — Bill ordered to be brought in by Lord Worsley and Mr. Christopher.

Chester and Birkenhead Railway Bill; Rotherhithe Burial Ground Bill. — Read a third time, and passed.

Brighton Small Debts (recommitted) *Bill.* — Reported; to be ingrossed.

The following Bills were severally presented, read a first time, and ordered to be read a second time; namely, —

Portsmouth Floating Bridge Bill, — "For amending and enlarging the Powers of an Act for establishing a Floating Bridge over the Harbour of Portsmouth, in the County of Southampton."

Swingfield Minnis Inclosure Bill, — "For inclosing Swingfield Minnis, otherwise Folkestone Common, within the Manor, Hundred, and Royalty of Folkestone, in the County of Kent."

Bristol Building and Improvement Bill, — "For regulating the Buildings and Party Walls within the City and County of Bristol, and for widening and improving several Streets within the same."

British Iron Company Bill, — "For granting certain Powers to the British Iron Company."

Workington Harbour Bill, — "For regulating and preserving the Harbour of Workington, in the County of Cumberland, and for other Purposes relating thereto."

Workington Improvement Bill, — "For paving, cleansing, watching, and otherwise improving the Town of Workington, in the County of Cumberland."

New Zealand Company Bill, — "For forming and regulating the New Zealand Company."

Elginshire Roads Bill, — "For further and more effectually repairing and maintaining certain Turnpike Roads in the County of Elgin."

The following Bills were severally read a second time, and committed; as follows: —

Scottish Widows' Fund Bill, — To Mr. Gibson Craig and the South Scotland list.

Hartlepool Dock and Railway Company Bill, — To Mr. Harland and the South Durham list.

Dewsbury Gas Bill, — To Mr. Lascelles and the west riding of York list.

London and Greenwich Railway Station; Wrexham and Mold Roads: Chester Coroners. — Petitions for Bills reported; and Reports referred to the Select Committee on Standing Orders.

Islip and Stanion Road. — Petition for Bill reported; and Bill ordered to be brought in by Lord Viscount Maidstone and Mr. Maunsell.

Newcastle under Lyme, Blyth Marsh, &c. Roads. — Petition for Bill reported; and Bill ordered to be brought in by Mr. Edward Buller and Mr. Bingham Baring.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill. — Petition of the Duke of Portland, against. — Referred to the Committee on the Bill; counsel ordered.

Bolton Small Debts. — Petitions from Lowton and Culcheth; and Worsley, for additional provision.—Reported; and Reports referred to the Select Committee on Standing Orders.

Railways. — Petition of George Remington, the younger, suggesting alterations of the Standing Orders on Railways;

referred to the Select Committee on Private Business.

STANDING ORDERS COMMITTEE.

Resolution reported: —

That, in the case of the Birmingham and Gloucester and Bristol and Gloucester Railways Union petition, the parties be permitted to proceed with their Bill, on giving forthwith the notices required by the Standing Orders; and that they shall not go into committee on the Bill unless they previously obtain the consent of the Cheltenham and Great Western Union Railway Company to all its provisions; and that the Committee on the Bill do examine, in the first place, how far such orders have been complied with; and do report the same to the House on the Report of the Bill.

Resolution agreed to.

PUBLIC BUSINESS.

NEW WRIT.

For Helston, in the room of Lord Viscount Cantilupe, Chiltern Hundreds.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely, —

Church of England, — By Mr. J. H. Vivian, Mr. Dugdale, Mr. Benjamin Smith, Captain Polhill, and Mr. Winnington, for extension, — from Yatton Keynell; Winterbourne Bassett; Pewsey; Broadhinton; Bremhill; Little Cheverel; Maningford Bruce; Truro; Seckington and Shuttington; Trowbridge; Biddlestone; Yatesbury; Horton; Caldon and Waterfall; Meerbrook and Rushton; Leamington Hastings; Ipstones; and Oncott and Bradnop.

Corn Laws, — Against repeal, — from Weddington; Seckington; Barston; Sheldon; Hampton in Arden; Wolston and Marston; Rugby; King's Newnham; Long Lawford, Little Lawford, Nuneaton, &c.; Astley; Burton Hastings; Arley; Allesley; Bulkington; Elmdon; Meriden; Chilvers Coton; Wolvey; Wibtoft; Monks Kirby, &c.; Withybrook and Hobsford; Shilton; Copson; Merivale and Bentley; Caldecote; Newton Regis; Baddesley Ensor; Grendon and Whittington; Combfields; Brinklow; Willey; Binley; Sowe; Ansley; Austrey; Baxterley; and Amington and Stonedelth.

By the Attorney General, Sir H. Parnell, and Mr. Greg, for repeal, — from Edinburgh; Thornton; Dundee; Manchester; Middleton; and Lochee.

Printed Papers, — By Sir J. Seale and the Attorney General, in support of privilege, — from Dartmouth; and Ipswich.

By Mr. Packe, — from Leicester, for discharge of the sheriff.

China, — By Mr. William Evans and Mr. Baines, for prevention of hostilities, — from Leeds; and Chesterfield.

Jersey, — By Dr. Lushington, — of Abraham Jones Le Cras, complaining of abuses in the laws, customs, and privileges of the island of Jersey.

Sailors, — By Dr. Lushington, — of members of the Mariners' Church Congregation, Wellclose Square, East London, for inquiry into the state of seamen at home and abroad.

Ecclesiastical Duties and Revenues Bill, — By Dr. Lushington, — of the Warden and College of the Twelve Minor Canons of St. Paul's Cathedral, suggesting alterations.

Inland Warehousing Bill, — By Sir Walter James, — from Kingston upon Hull, against.

Factories, — By Mr. Brotherton and Mr. Baines, for inquiry into the operation thereof, — from factory workers in the employ of Mr. Beesley, Manchester; Mr. John Knott, Ashton; Mr. Orrell, Stockport; Mr. Carruthers, Manchester; Mr. Becton, Manchester; Mr. Stratwell, Manchester; Mr. Barton, Manchester; Messrs. Buckley, Ashton; Messrs. Kinedy, Manchester; Mr. Wilkinson, Stockport; Mr. Gray, Manchester; Mr. George Clark, Manchester; Mr. Bullock, Manchester; Mr. Barns, Manchester; Mr. Murray, Manchester; Mr. Charles Pooley, Manchester; Mr. Guest, Manchester; Mr. Shaw, Manchester; Mr. John Pooley, Hulme; Mr. John Marsland, Manchester; Messrs. M'Connell, Manchester; Mr. Moors, Manchester; Messrs. Douglas, Manchester; and Mr. Bursey, Manchester.

Church Rates, — By Mr. Baines, for abolition, — from Beccles, West Melton; and Chichester.

Maynooth College, — From Hawstead, against further grant.

Church Patronage (Scotland), — By Sir G. Sinclair, the Attorney General, Sir J. Graham, and Mr. Bannerman, for alteration of the law, — from Aberdeen Tradesmen's Association (preses); Nairn Presbytery (moderator); Tomintoul; Fearn; Knock; Fortwilliam and Blaich; Kingussie; Fordoun; Glasgow; Burntisland; Oxnam; Rhynie; Stornoway; Cawdor; Closeburn; Rothiemurchus; and Tarbat.

Army, — By Captain Pechell, — of the Reverend Henry Shepherd, for appointing chaplains in the army, and praying for inquiry. — To be printed.

Elective Franchise and Municipal Corporations (Ireland), — By Mr. M. J. O'Connell, for extension and reform, — from Killiney and Stradbally; Clahane and Bally-duff; and Ballinvoher.

Rating of Tenements, — By Mr. Denison, — of chairman of the quarter sessions of the county of Surrey, for rating the owners instead of the occupiers of small tenements.

Court of Chancery, — By Mr. H. Craven Berkeley, — from Cheltenham, complaining of delay.

Designs Copyright Bill, — By Mr. B. Smith, — from Norwich, in favour.

Ballot, — From James Dick, in favour.

Merchant Seamen's Fund, — Of members of the Master Mariners' Benevolent Society in London, for inquiry into the appropriation thereof. — Referred to the Select Committee on Merchant Seamen's Fund.

RIGHT OF VOTING (SCOTLAND.)

Bill, "to ascertain and define the Right of Voting for Members of Parliament in Scotland," — presented, and read a first time; to be read a second time on Friday, 13th of March, and to be printed.

LEAVE OF ABSENCE,

To Mr. William Miles, a fortnight, — illness in family.

To Mr. Godson, till 15th of April, — circuit.

To Mr. Serjeant Talfourd, till 15th April, — circuit.

To Mr. Davenport, one month, — illness.

To Mr. Cresswell, till 15th April, — circuit.

RETURNS, &c.

Post Office Steam Packets. — On the motion of Mr. Edward John Stanley, Return ordered —

Of the hour at which the Government steam packets have left the river Mersey, and the number of hours occupied in the passages between Liverpool and Kingstown each day, since the 1st day of September last, with the name of each packet; also, of the number of times, specifying the days, that the mail and passengers have been conveyed by tender to and from the steamer, outside the bar of the Mersey; and of the days on which no mail has left Liverpool:

Similar Returns from Holyhead, stating the number of hours occupied in the passage between Holyhead and Kingstown, and days on which no mail has left Holyhead:

Return of the number of times, specifying the dates, that the Liverpool mail has been conveyed by the Holyhead steamers from Kingstown to Liverpool, from the 1st day of January, 1839, to the 1st day of March, 1840:

Copy of any orders from the General Post Office or Admiralty, relative to the conveyance of the mails by the Holyhead steam packets to Liverpool, in case of the non-arrival of the Liverpool steam packets in time to convey the mail; and if any provision is made for the conveyance of the mail to Holyhead in such cases.

French Claims. — On the motion of Mr. Dottin, Return ordered —

Of the amount of the unappropriated balance in hand of the French fund for liquidating the claims of British subjects on France.

Lambeth Parish. — On the motion of Mr. Hawes, Annual Account ordered —

Of the receipt and expenditure of all rates made, and of all fees and pew rents received and charged, in the parish of Lambeth, and in each district of the parish respectively, for ecclesiastical purposes, from 1828 to the present time: the Return to distinguish the gross and net amount of each rate, and of the pew rents; and, also, the nature of the fees and their application.

PRINTED PAPERS — CASE OF MR. SHERIFF EVANS.

LORD VISCOUNT MAHON. — I wish to make a communication to the House relative to the case which I brought under consideration yesterday. I have been informed that Mr. Freeman has felt it desirable to obtain the benefit of another medical opinion; and that Mr. Sheriff Evans has this day received a professional visit from Dr. Chambers.

who is now in attendance; and if it be the pleasure of the House to examine that gentleman, I will move that he be called in. I have not, myself, seen Dr. Chambers; but I cannot but feel that his evidence may be of importance in putting the House in possession of the real facts of the case. I assure the House, in all sincerity, that it is with an anxious desire that the facts should be fairly and fully stated, that I have, at the request of the medical gentleman who was examined yesterday, and of whom I have received a very high character, thought it right to bring the matter before the House. I will now move that Dr. Chambers be called to the bar, and examined as to the state of the health of Mr. Sheriff Evans.

Upon the question being put,—

LORD JOHN RUSSELL said:—I certainly do not see the necessity for any further proceeding in this case. It appears to me that the evidence which we received yesterday at the bar was fully sufficient to enable us to decide the question with regard to Mr. Sheriff Evans. I was not previously acquainted with the name of the gentleman who attended yesterday; but I have been told that he is a person of considerable professional skill and reputation. That gentleman stated, from his knowledge of Mr. Sheriff Evans's state of health, various particulars, showing, undoubtedly, that Mr. Sheriff Evans was in bad health; but he stated nothing to show that he was in any immediate danger from his confinement, nor did it appear that Mr. Freeman had thought it necessary to advise any extraordinary assistance to be called in. There is another circumstance which I think of a very conclusive nature, in addition to the evidence given yesterday,—I mean the appearance of an advertisement in the newspapers of this day, stating that Mr. Sheriff Evans is quite ready, should he now be discharged from custody, to go at once and to canvass the electors of Lewes——

[Loud cries of "Hear, hear!"]

I really think, if we were to proceed, in this case, to discharge the sheriff, no one would seriously imagine that it was done on the ground of fear of injury to his health; but it would be supposed that we wished to escape the consideration and settlement of the real question at issue. I therefore see no reason for proceeding further in this matter; and I hope the Noble Lord will not think it necessary to press his motion.

SIR R. INGLIS.—When the Noble Lord states that he is satisfied with the evidence of yesterday, as to the state of Mr. Sheriff Evans's health, I should have thought the Noble Lord would have been ready to agree to the other motion of my Noble Friend for the discharge of the sheriff. Now, what is the ground which the Noble Lord takes? He says, "I am satisfied, from the evidence we have already heard, that the sheriff is not in that state in which it would be proper for the House to discharge him, on the ground of ill health; he is not in any immediate danger, and therefore we will keep him a little longer and try his constitution a little more."

[Cries of "Oh, oh!"]

Why, we know, from the evidence of the medical gentleman who was examined yesterday, that Mr. Sheriff Evans is growing worse under his confinement. That opinion was elicited in reply to the question of the Honourable and Learned Member for Dublin; and we also know that, although his life is not in immediate danger, very serious consequences may result if he remain longer under restraint. Having that evidence before him, I should have thought the Noble Lord would have felt justified in saying, "I want no further evidence; I am prepared to give way to my own natural feelings, and to release the sheriff." I did conceive that the Noble Lord would have been anxious to avail himself of any opportunity that might offer; or even—if he could do so consistently with his own feelings of honour—to make an opportunity to release the sheriff. The Noble Lord, however, refuses to liberate the sheriff, because his life is not in any immediate danger. The Noble Lord thinks it also consistent with his position in this House, to state another ground for resisting the motion of my Noble Friend,—namely, that there has appeared an advertisement in the papers of the day, stating that the sheriff would be a candidate for the suffrages of the electors of Lewes. Has the Noble Lord read that advertisement? If he have, he must have forgotten it; since Mr. Sheriff Evans there states that he cannot go down and canvass the electors, because the House has put that out of his power. The vote of a tyrant majority has destroyed all prospects of that kind; but that if, under all the disadvantages, he should be returned by the electors of Lewes, then, in conformity with the precedent established in the case of Mr. Robert Christie Burton, who, on being returned by the electors of Beverley, was brought up under the warrant of the Speaker, he would be enabled to take his seat among Honourable Members in this House. I do not see how the Noble Lord can refuse to hear further evidence, unless he has a design of confining Mr. Sheriff Evans till his life shall expire. I am, myself, perfectly satisfied, having read the evidence, that sufficient grounds have been stated for the release of the sheriff; but if there be any doubt on the mind of the Noble Lord, or of any other Honourable Member, then the consistent course will be to call in the other medical gentleman who has visited Mr. Sheriff Evans this day. Under these circumstances, I hope the House will not be put to the trouble of a division, but that Dr. Chambers will be at once called in.

Mr. GORING. — I have this morning seen Mr. Sheriff Evans, and have ascertained that Mr. Freeman did not communicate to him his intention of communicating with the Noble Lord (Mahon) in order to obtain Mr. Sheriff Evans's discharge; but that Mr. Freeman made the application on his own judgment of what he deemed right and necessary for the preservation of the sheriff's life. There is now another medical gentleman in attendance, who, if called to the bar, will give his opinion to the House upon the same point, should the evidence which has been already given, be thought insufficient. Let not the House, however, suppose that Mr. Sheriff Evans has altered, or is at all likely to alter, the opinion which he conscientiously holds. He does not brave the House,—he respects it, as every British subject should do; but having formed the opinion that the law of the land is supreme, I am sure that, whatever course the House may take, Mr. Evans will never give way one inch.

Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solidâ.

Mr. R. M. MILNES. — I do not think it right that we should occupy the time of the House in useless discussions. I cannot see that any repetition of the evidence of last night can be of the least use to Mr. Sheriff Evans. The case which existed for the motion of yesterday would not be made better by calling in Dr. Chambers. If there had been immediate danger, Dr. Chambers, or some other practitioner, would have been called in before. I cannot but think that my Noble Friend has been somewhat premature in bringing forward the present motion. I cannot but think that he has hardly consulted the sheriff's character in doing so. There is no advantage to be obtained by those pleas *ad misericordiam*. By these motions being made from day to day, it would seem to be implied that the House was exercising vengeance; as if a single angry feeling against the sheriffs had been expressed during the whole of the discussions, — as if the sheriffs had not been treated throughout with the respect to which their conduct entitles them,—as if the very evening on which they were committed, the Right Honourable Baronet the Member for Tamworth had not spoken of their conduct with the greatest respect. I think that every possible indulgence ought to be given to Mr. Sheriff Evans in his present situation; and therefore I have no objection to any enlargement which the House may think proper to grant; but I do not consider that any case has been made out for the liberation of the sheriff. To discharge him, now, would be to stultify the whole proceedings of the House up to the present time.

SIR A. DALRYMPLE. — I do not think that the dignity of the House would be at all impaired by calling for further evidence. I had an opportunity of sitting near the bar yesterday, and of witnessing the manner in which the examination of the medical gentleman was carried on. I have since taken the liberty of inquiring whether Mr. Freeman is a person of any note in his profession; and I find that he is very much in repute, and is well known to many Honourable Members of this House as a gentleman of great professional experience and ability. Now, it appears that Mr. Freeman has come forward, thinking that the life of his patient would be endangered by further confinement; and I, therefore, having full confidence in the opinion of Mr. Freeman, think it would not be beneath the dignity of the House to act on his evidence, and to release Mr. Sheriff Evans. But, after the examination of last night, I consider that Mr. Freeman, out of a regard for his own character, is perfectly justified in calling in Doctor Chambers; and I hope the House will not refuse to hear that gentleman's opinion.

Mr. H. LAMBTON. — I wish to ask the Noble Lord the Member for Hertford whether, when he made the motion which he brought before the House yesterday, he was aware that Mr. Sheriff Evans was about to offer himself as a candidate for Lewes; and if not, whether he was aware of that fact, otherwise than from the printed advertisement which has been referred to, before making his speech of this evening?

LORD MAHON. — I will answer both the questions of the Honourable Member most readily, and with one reply. The only intimation which I have received of Mr. Sheriff Evans's intention to offer himself as a candidate for Lewes, was by reading his address in the *Times* newspaper of this morning; and I do not know whether that address is an authentic document, or not.

SIR R. PEEL. — I should wish to act throughout the whole of these proceedings in a judicial capacity, and to disregard every consideration which would interfere with the performance of what I consider to be strictly a judicial duty. I expected, on coming down to the House, that the subject on which I should have to decide was, whether the evidence adduced at the bar yesterday was sufficient to induce me to consent to the liberation of the sheriff on the ground of ill health. Having given every attention to the evidence, I came down to the House, prepared to discharge a painful duty, and to declare that I did not think the evidence sufficient to justify the House in liberating Mr. Sheriff Evans. But I now find myself unexpectedly called upon to decide another question,—whether or no Sir William Chambers shall be permitted to be examined at the bar on the subject. Considering that we have on two former and similar occasions permitted evidence to be adduced,—first, in the case of Mr. Sheriff Wheelton, and again, yesterday, in the case of Mr. Sheriff Evans,—and considering the great eminence of Dr. Chambers, and that this case is more of a medical than of a surgical kind,—it is my advice to the House that we should not refuse to receive Dr. Chambers's evidence. I am perfectly unprejudiced in this matter. I have already stated my intention of voting against the discharge of Mr. Sheriff Evans, on the evidence adduced yesterday. If Dr. Chambers's evidence should be of similar import, I shall be prepared to act on the decision I have already come to. If Dr. Chambers's evidence should be of a nature to show that the sheriff's health is in serious danger, I should regret, and I am sure the House would regret, having excluded the evidence of a man of so much eminence.

COLONEL SALWEY. — The Right Honourable Baronet the Member for the University of Oxford has taunted Honourable Members on this side of the House with being a tyrant majority, upon this question, and with a want of sympathy for the sufferings of the sheriff. There is, however, a poor man who has been in confinement for a much longer period than Mr. Sheriff Evans. I allude to John Thorogood——

[Laughter, and cries of "Hear, hear!]

— who has been for fourteen months the victim of persecution; but for whom Honourable Gentlemen opposite, who are so sensitive in this case, can show no sympathy.

Mr. NICHOLL. — I believe the Honourable Member is himself the defendant in a church-rate suit; so that it is natural he should sympathise with John Thorogood.

[Laughter.]

And I believe, also, that the Honourable Member has very little chance of success.

LORD J. RUSSELL. — Rather than the House should be put to the trouble of a division on this question, I will accede to the motion.

[Cries of "Hear, hear!"]

I must, however, repeat, that my wish is against calling in Dr. Chambers. I think, Sir, that on a question of this nature, it is very desirable that the House should not divide. And it is on that ground that I give my consent to the motion that Dr. Chambers be called in.

The motion was then put, and agreed to; and Dr. Sir William Frederick Chambers was then called to the bar, and examined by the Speaker.

What is your name? — William Frederick Chambers.

You are a physician? — I am.

Have you been called upon, professionally, to visit Mr. Sheriff Evans? — I saw Mr. Sheriff Evans, for the first time, this morning.

Will you state to the House what you consider to be Mr. Sheriff Evans's condition? — I think he is obviously labouring under ill health; his appearance shows that; and I consider that that arises from a very imperfect state of his digestive organs: he has an unhealthy aspect of body, fat, bilious-looking, and gouty; and I understand he has suffered several severe fits of gout, and that recently.

Do you consider him in that state that his life would be endangered by further confinement? — I think his health would be much deteriorated by confinement; and I conceive that his further confinement might convert those defects which have so disordered the digestive organs, into absolute diseases; for instance, if indigestion is continued for any length of time, the liver becomes at last disordered. When defect is continued, that becomes a disease; and we know that, from diseases of the liver, for instance, dropsy arises, and all the dangers of dropsy.

The witness was then ordered to withdraw.

LORD VISCOUNT MAHON. — I think, Sir, the evidence which has now been received at the bar of the House tends to show that a further continuance of the confinement of Mr. Sheriff Evans might convert into a dangerous disease the present defective state of health of that gentleman. I consider the statements of Dr. Chambers to be, therefore, in corroboration and confirmation of the evidence which was received by the House yesterday. I cannot believe that the House would incur the responsibility of any danger arising even to the health, much less to the life, of any person whom it had committed into custody; and, under these circumstances, and feeling that I shall not exceed the grounds furnished by the evidence which has been offered, I will now move, "That, in consideration of the matter stated in the evidence of Dr. W. Chambers and Mr. Freeman, in respect of the health of Mr. Sheriff Evans, Mr. Sheriff Evans be forthwith discharged."

Mr. KELLY. — I beg to second the motion. I cannot but view the evidence given yesternight, as well as on this evening, as entitled to the very gravest consideration. It was stated by Mr. Freeman, that he believed, if Mr. Sheriff Evans were to be confined longer, his life would be endangered. Now, the probability is, that Mr. Freeman is not so well known to several Members of the House as the very eminent physician who has just been called in. I feel bound to say, concerning Mr. Freeman, that I know him to be a gentleman of extensive practice, and of eminence in that practice. His declaration, that any continuance of the imprisonment of the sheriff would be prejudicial to his health, has been substantially confirmed by Dr. Chambers. If the House, then, is satisfied that, under prolonged confinement, that which is now only a disorder or derangement of the bodily functions, may be converted, by confinement, into a permanent disease, and therefore have a tendency to shorten his life; I ask whether the House, under the circumstances in which it is placed with respect to Mr. Sheriff Evans, can feel itself justified in longer detaining him? I submit that this is not a case in which further detention is necessary to the maintenance of the dignity of the House. If it were necessary that the sheriff should be taken into custody and punished by imprisonment, to vindicate the privileges of the House, so far the dignity of the House has been upheld. Both the sheriffs have been put into custody by the House, and kept for some considerable time in imprisonment; and the question now is, — not whether any person shall be so arrested and imprisoned, but whether the prolonged imprisonment of one already so treated, is necessary to the maintenance of the dignity of the House, under the circumstances of the case? If any other step be necessary, it can only be the imprisonment of some other person who has committed himself, as well as Mr. Sheriff Evans. But, seeing that that gentleman has been guilty of no moral offence; having acted in what he believed to be, perhaps erroneously, the proper performance of his duty, and that he has now been kept in custody for six weeks, I would put it to the humanity, to the honour, and to the good sense of the House, whether anything that may be required for the maintenance of the dignity of the House renders it necessary to detain him one moment longer? I have heard with pain an observation made by the Noble Lord opposite respecting an advertisement which has appeared in a morning paper. I do not know that the advertisement is genuine. It may be so; and if it be, I am ready to admit that, if Mr. Sheriff Evans is in a condition to go and canvass a constituency, his state of health cannot be such as to entitle him to be discharged, supposing his imprisonment under the order of the House to be just. But the advertisement may not be genuine; and, whether so or not, I can see nothing in it which shows that the bodily health of Mr. Sheriff Evans is such as to enable him to go and canvass the electors of a borough. There is, therefore, nothing in the mere fact of the advertisement to break in upon the evidence of the respectable medical gentlemen who have appeared at the bar of the House. As it seems, then, that if he be longer confined, he will probably be thrown into a state of indisposition that will seriously threaten his life, I hope no Honourable Gentleman in this House will feel himself called upon, by any view of his public duty, to prolong the imprisonment of the sheriff, not only to the augmentation of his bodily suffering, but to the risk of his life. I should take a different view of the case, if I thought the privileges of the House would suffer by the release of the sheriff, or that his further detention was at all necessary to the maintenance of the dignity of the House. But, feeling that there is no individual in this House, who, if he became a party to the extended imprisonment of Mr. Evans, might not, hereafter, feel in his conscience that he had aided in destroying the life of an individual, who, all are agreed, has behaved fairly and honourably, according to his own sense of duty, I hope the House will agree to the motion of my Noble Friend.

Upon the question being put, —

SIR W. JAMES said: — As the Noble Lord opposite has alluded to an advertisement, purporting to come from the sheriff, as a candidate for the representation of the borough of Lewes, I cannot help reminding the Noble Lord of a circumstance which, to my own mind, affords a strong proof that the advertisement is not genuine, but a forgery; — namely, that the Honourable Baronet (the Member for Buckingham) has, this day, moved for a new writ in the room of Viscount Cantilupe, who has accepted the Chiltern Hundreds, and who, I understand, has gone to Lewes to present himself as a candidate for the representation of that borough.

SIR R. INGLIS. — I have procured a copy of the *Times* newspaper, in which the advertisement that has been alluded to appears, and will call the attention of the Noble Lord to the first line of the second paragraph.

The SPEAKER. — The Honourable Member will be aware that it is contrary to order to read from a newspaper in the House.

SIR R. INGLIS. — I bow, at once, Sir, to your opinion; but, although it be not in order to read from a newspaper, I apprehend, I may be allowed to quote from recollection, the first lines of the second paragraph of the address in question: —

> Visited with imprisonment, and deprived of that personal liberty which has ever been the birthright of Englishmen, for no crime but that of having, in obedience to the laws, and observance of my oath, discharged the duties of the high office of sheriff of Middlesex, I feel no apology will be necessary for not paying my respects to you in person upon this occasion.

That is the ground upon which the sheriff rests his claim; or, rather, that is the ground upon which he states his inability to make a personal canvass of the electors. It is very unfair to argue against the sheriff, that he should still be deprived of his liberty, because the first use he might make of it would be to go and pay his respects to the electors of Lewes. Surely, that is not an unusual, nor is it an un-English, use of liberty; and the Noble Lord should be the last man to say that any one of his fellow subjects should be kept in confinement, because the first use he might propose to make of his liberty should be to offer himself as a candidate to the constituency of any place, and to canvass for their suffrages. With respect to the state of the sheriff's health, all doubts I might have entertained, before, have been entirely removed from my mind by the evidence of Sir W. Chambers; and, unless you intend to keep Mr. Evans until he shall die, in your custody, you must at once order his liberation. The dignity of the House does not require his further imprisonment; that has been sufficiently vindicated and appeased already, — first, in having committed the sheriff, and then in refusing to allow the Court of Queen's Bench to interfere to discharge him by writ of *habeas corpus*. The Court of Queen's Bench have assisted you in maintaining your privileges, by allowing you to keep their officer in your custody for six weeks; and now, when you find that you cannot keep him longer in confinement without danger to his health, and, perhaps, his life, I call on you, on every principle of justice and humanity, to concur in the motion of my Noble Friend (Lord Mahon). I should have stopped here, if the Honourable Member for Ludlow had not servilely copied, not only the precedent, but the very words addressed, on a former evening, to the Honourable Gentlemen on this side of the House, by asking whether the sufferings of John Thorogood are not altogether a matter of indifference to them? Is there no difference between a person who has been legally convicted and one who has not?

AN HONOURABLE MEMBER. — He has not been convicted.

SIR R. INGLIS. — I do not say he has been. I was about to put two cases, when I was interrupted by the Honourable Member. Is there not a difference between the case of the sheriff and that of an individual who has refused to appear and plead before a tribunal, the jurisdiction of which, according to the opinion of my Right Honourable Friend opposite, is perfectly competent? If it were not for his false friends, it has been plainly shown to the House, that Thorogood would have appeared and pleaded, and so have avoided the trouble he has brought upon himself, by taking another course. The two cases are not at all analogous.

Mr. HORSMAN. — I wish to call the attention of the House to a very remarkable discrepancy in the evidence of the two medical men who have been under examination, and which appears to have escaped the Noble Lord who has moved, and the Honourable and Learned Gentleman who has seconded his motion. Mr. Freeman stated, on Tuesday, that Mr. Sheriff Evans was very bad with a disease of the liver. What says Dr. Chambers this day? That he has no disease of the liver.

[Cries of "No, no!"]

Dr. Chambers stated, merely, that the digestive organs of Mr. Sheriff Evans were deranged. That being the only additional evidence this day, I cannot see that it is so far concurrent with the evidence of Mr. Freeman yesterday, as to induce me to vote for the liberation of the sheriff. If that consideration did not satisfy me, the fact of the address which has been published this morning, and to which allusion has already been made, would be sufficient to induce me to come to that determination.

SIR J. GRAHAM. — Before the Honourable Gentleman who has just sat down rose to address the House, I was about to submit a new proposition. Like my Right Honourable Friend the Member for Tamworth, I came down to the House with my mind made up that I could not, upon the statements of Mr. Freeman, unsupported by further medical evidence, vote for the liberation of the sheriff. At the same time, I feel bound to offer to the House my testimony in favour of the great respectability of Mr. Freeman, whom I have long known as a skilful and eminent member of the medical profession. But having given my most careful attention to the evidence of that gentleman, I do not think it sustains the necessity for the immediate liberation of Mr. Sheriff Evans. Still I must say, after what has fallen from the Honourable Member who spoke last, that the examination of Dr. W. Chambers is not, to my mind, full and satisfactory I had imagined that some further inquiries would be made by some Honourable Gentlemen more competent than myself to examine a medical witness. I therefore did not rise to put any question; and as the House is by no means satisfied with the evidence as it now stands, it is my earnest desire that Dr. Chambers should be recalled. I therefore move, as an amendment, that he be recalled, for the purpose of a more full and particular examination. The House cannot err, in referring for information to an authority so high and impartial.

LORD MAHON. — I shall be most ready to withdraw my motion for the present, in order that Dr. Chambers may be further examined.

LORD VISCOUNT HOWICK. — Before the motion of the Noble Lord is withdrawn, and the House determines to adopt the course which the Right Honourable Baronet has suggested, I wish to impress upon the House the very great difficulty in which it may be involved by pressing this medical examination, further. I believe there is no Gentleman who has been present during the examination of Dr. Chambers and Mr. Freeman, who does not feel how highly painful and disagreeable to Mr. Sheriff Evans the nature of that examination must be. Unless, then, there be some great and obvious necessity for continuing that line of examination, it would be much better avoided. But it appears to me that there might be a course which the House could adopt, without incurring the inconvenience of pursuing the examination, and at the same time avoid the risk — which is no doubt a serious one — of placing the health of Mr. Sheriff Evans in greater danger by prolonged confinement. In the evidence given, there appears to me, as well as to others, nothing which would sufficiently justify the House in consenting to an immediate discharge of the sheriff. But, on the other hand, there is, I must confess, much in that evidence to show that it would be highly desirable and expedient not to continue him in that species of custody in which he is now placed. It is impossible for any one to have listened to the evidence of Dr. Chambers without admitting that it is not altogether improbable that the prolongation of the imprisonment of Mr. Evans might be attended with very serious consequences. Nothing is more likely to enlist the feeling of the public against the House, and to damage us in the assertion of that privilege, which I, for one, am resolved to maintain to the very last, — nothing is more likely to weaken us in pursuing that course, than if it should turn out, unfortunately, that while we are balancing the evils to which Mr. Sheriff Evans is exposed, he should contract a serious, and possibly a mortal, disease. The course, then, which I think the House ought to adopt, under these circumstances, is, — not to discharge Mr. Sheriff Evans out of their custody, but direct that, under the charge of a messenger of the House, he should be permitted to take up his residence, in custody, in such a place out of town as his medical advisers shall recommend.

[Cries of " Oh, oh!" and " Hear, hear!"]

By that course, all risk of his health, all danger of his suffering from the prolongation of his present species of confinement, will be avoided, and at the same time the House will manifest that which I think it is absolutely necessary it should manifest,—a positive and fixed determination to enforce its authority. The Honourable Baronet the Member for the University of Oxford has said that enough has been done for the dignity of the House. In my opinion, when a person is once committed for contempt, enough is never done for the dignity of the House until that person shall submit himself to the authority of the House; petition for his enlargement; express contrition for the fault he has committed, and engage not again to fall into a similar fault. Mr. Sheriff Evans has done nothing of the kind. More than that, he has published, in a newspaper of this day, an address, which has been more than once alluded to, and which is a fact of great importance for the House to bear in mind; not only from its directly flying in the face of the House, but from its implying that Mr. Evans desires to be discharged, not on account of the state of his health, but that he may be enabled the more effectually to carry out a particular object, which he has in view. The Honourable Baronet the Member for Oxford University has said that there is no analogy between this case and that of John Thorogood; because, if Thorogood had not listened to the suggestions of false friends, he would have submitted to the jurisdiction of the court, and have paid the money, and consequently, would now have been at large. Why, that appears to me to be just the case under discussion. If the sheriff would submit himself to the authority of the House, he would be discharged. If he had not listened to the suggestions of false friends, I firmly believe that, before this, he would have submitted, and, in consequence, have been liberated. But he has not done so, and therefore is properly continued in custody. I would, however, entreat the House not to run the risk of endangering that gentleman's health, by retaining him in his present custody, when, by adopting the course which I have ventured to recommend, we might avoid that risk, while, at the same time, we should show that we were determined not to abandon the privileges of the House. I think it is more peculiarly important, on this occasion, that we should show such a determination; because I believe it very much depends on the course we now take, what the Court of Queen's Bench will do, when it shall assemble again in Easter term. If we waver, if we show any irresolution, I have no doubt that the Court of Queen's Bench, on their side, will avail themselves of that weakness.

[Cries of " Oh, oh!"]

But if we show a fixed determination to maintain our privilege, I cannot believe that the Court of Queen's Bench, having, on its own acknowledgment, no power to protect the sheriff, and having admitted that it could not (he being in custody for a contempt of the House) relieve him from that custody, will act in a manner so contrary to all precedent and usage as to insist that a third and innocent party should take a course by which he would subject himself to a punishment, from which the court has not the power to release him. For all these reasons, I suggest that it would be inexpedient to recall Dr. W. Chambers, and that it would be far better to take the course I have suggested.

COLONEL SIBTHORP. — On a former occasion, when the Noble Lord who spoke last addressed the House on the subject of the sheriffs' confinement, he advocated the adoption of more harsh measures; and even went so far as to recommend that the prisoners should not be allowed the use of pen, ink, or paper; and now, when we are told by the eminent medical authority who has been examined at the bar this evening, that the consequence of the further confinement of Mr. Sheriff Evans may be to produce a disease, which, sooner or later, may prove fatal to his life, the Noble Lord says, " Oh, don't let the sheriff out of your hands, but send him off into the country, in the custody of a messenger of the House.". The feeling of Honourable Members opposite evidently is, — "having got a man in our power, let us exercise that power as far, and in as harsh a manner, as possible." I hope, however, that the House will agree to no other proposition than the immediate release of Mr. Sheriff Evans. His continued imprisonment would be a disgrace to the country; his ever having been sent to prison is a disgrace to the House; and, above all, a disgrace to that part of the House which calls itself liberal. The sheriff has been kept in custody by the exercise of tyrannical power; and I only regret that I have not a vote for Lewes, as I am perfectly assured that the return of Mr. Evans would do honour to any constituency.

SIR R. PEEL. — I wish to address myself singly to the question which now properly comes under the consideration of the House. The question which the present motion brings before us is, not whether Mr. Sheriff Evans should be discharged on merits; neither is it a proposition that he should be discharged on the ground that the punishment which he has already endured is commensurate with his offence; but whether he ought now to be discharged on the score of ill health?

[Cries of "Hear, hear!"]

I will take the liberty of repeating what I said yesterday in reference to this question, — namely, that it would not be creditable to the House to proceed upon one ground, and use it as a pretext, while they were really influenced by considerations arising out of another. If Mr. Sheriff Evans ought to be discharged upon merits, let it be done forthwith; if he ought to be discharged because he has already endured sufficient punishment, let him no longer be detained; but if he ought to be liberated on the first or second of these grounds, let not the third be assigned as the ground of his discharge. Let the House not forget, that, if they discharge Mr. Evans on the ground of indisposition, such a proceeding will have the effect of establishing an important precedent, — and for this reason, that all other persons similarly circumstanced will be equally entitled, in point of equity, to a similar relief. I put out of view, altogether, the question whether the original committal was just or unjust, and merely confine myself to this observation, — that, if Mr. Sheriff Evans be discharged on the ground of ill health, the meanest man in the community, if sent to prison for any offence, would be entitled to a similar indulgence. As to the address which has appeared in the newspapers, and to which reference has been made, I conceive that the House ought to disregard it altogether; there is no evidence before the House of the authenticity of that address. My first impression respecting it was, that it could not be genuine. I did not think, after the statement yesterday made in this House by the medical adviser of Mr. Sheriff Evans, that such an address was likely to have appeared in the public prints; but I think the House, acting judicially, and not having before them any evidence of the authenticity of the address, ought to put it altogether out of view. Looking, then, at the question before us in the light in which I have endeavoured to present it to the House, I feel bound to say, that I have arrived at the same conclusion as has the Noble Lord the Member for Northumberland. I cannot vote for the discharge of Mr. Sheriff Evans; and I confess that I do not think the House could come to any such vote without applying the same principle to other parties similarly circumstanced. Nevertheless, I am bound also to say, that we should be incurring a very serious degree of responsibility by keeping Mr. Sheriff Evans any longer in strict confinement. The House, I am sure, will agree with me that the more firmly and temperately we maintain our privileges, the longer will those privileges be preserved in a permanent and efficient condition. I do not, however, think that it would be inconsistent with the due maintenance of those privileges, for the House to adopt the course which has been suggested by the Noble Lord the Member for Northumberland. The House might, I think, very properly say, "We are unwilling to run the risk of laying the foundation of some permanent disease, by keeping Mr. Evans in close confinement; and therefore we will not permanently and unconditionally discharge him; but, on the evidence of his two medical attendants, we are willing (and I, for one, am willing) to adopt the course which the Noble Lord has proposed: that is, we will give Mr. Sheriff Evans the benefit of air and exercise in the country, upon the understanding that, when the cause of that indulgence shall be removed, he shall return to his present custody." But it may be said, we have had no application from the sheriff himself, and it is improper to extend the indulgence proposed, except upon application from the party in custody. Still I say that, as the House has already acted in this matter without any application from the sheriff; as they have, unasked by him, taken evidence at the bar as to his state of health, with a view to grant him indulgence, should it be found necessary, I think we might, upon that necessity being shown, proceed to act upon the suggestion of the Noble Lord, even in the absence of an application from the sheriff himself. I care not for any application from the sheriff; however unwilling he may be to apply to us, I cannot consent to continue him in such strict confinement as might endanger his life. In the course suggested by the Noble Lord, there will be temperate relaxation of confinement, and one that will not subject the sheriff to any odious or onerous restriction. I think this will be a temperate course, — I think it will be a just course, — and I think it will be a course the most consistent with the maintenance of our privileges.

Mr. T. B. HOBHOUSE. — I think the House cannot follow a better course in this matter than that which is pursued by the courts of justice. When a prisoner is convicted, we do not hear of the judge ordering the man to be liberated, on account of his health being endangered by confinement; nor do we hear, when a man has been sentenced to transportation, that he is brought back because he is in a delicate state of health. The sheriff here is suffering in consequence of his violation of the laws of the land.

[Cries of "No, no!" and "Hear, hear!"]

The sheriff here is suffering in consequence of a violation of the privileges of the House; and the privileges of this House rest upon the same footing as the laws of the land.

Mr. PLUMPTRE. — Mr. Freeman has stated, in his evidence, that it is necessary to the recovery of Mr. Sheriff Evans that he should be unshackled in mind and in person; but he surely can never feel himself really free so long as he is in the custody of an officer of this House. It is well known that diseases of the liver are increased by circumstances that prey on the mind.

The LORD ADVOCATE. — I rise merely to observe, in reply to what has been said by the Honourable Member for Rochester (Mr. T. B. Hobhouse), that it is the custom with some courts, occasionally, to allow persons to go out of gaol, when it can be shown that their lives would be endangered by continued confinement. Formerly, it was not at all an uncommon thing in Scotland, on strong grounds of necessity being shown, and security being taken for the return of the party, to allow convicted persons to go out of gaol under such circumstances.

LORD JOHN RUSSELL. — I do not know that it is exactly in the power of the court to enlarge a prisoner from confinement, when once he has been regularly convicted, on the ground of ill health; but it is, of course, in the power of the Crown, in the exercise of its prerogative, to enlarge persons, under such circumstances. At the same time, it is required that very sufficient testimony should be given as to the fact of ill health; and I have very often directed that the certificate of the surgeon of the gaol in such cases should be sent back, on the ground of its having been loose and vague, and in order that I might ascertain whether or not the life of the prisoner was really in danger. But this case may be regarded as different from those in which the prerogative of mercy is exercised. Even in cases where the parties were convicted,—and I do not mean to say the sheriff here stands in the same position,—there would be an interference on the part of the Crown, where the prisoner's life was in danger from further confinement. But, with regard to a person of whom it could only be said that his constitution was such that his health might be impaired by further confinement, and that there was some danger that disease would arise, I do not think that the prerogative of the Crown would, in such a case, be exercised. As, for instance, in the case of William Lovett, who is confined in Warwick Gaol, affidavits were sent up and laid before me, with respect to the state of the health of that person; but there was nothing to show that the clergyman of the gaol had any serious apprehension of death following from confinement: but then there was the evidence of a medical man, who stated that he had known Lovett for a very long time, that he was a man of delicate constitution, and that the confinement and short diet of the gaol would endanger his health. Still I did not consider that this evidence was sufficient for me to recommend the exercise of mercy on the part of the Crown. I do not say that the case of Lovett is like to that of the sheriff; but then I should be sorry for it to be supposed that I should be willing to apply to a gentleman in a higher situation in life, and for whom there is naturally more sympathy, that rule which I would not apply to a man in the humblest situation in life. I feel, then, very great difficulty as to the vote I shall give. I think, however, that the proposal of my Noble Friend (Lord Howick) will save the House from the responsibility of placing the life of the sheriff in danger; and, although I should have hardly proposed such a motion myself, I shall still, with considerable doubt and hesitation, support that of my Noble Friend.

LORD HOWICK.—If the amendment of the Right Honourable Baronet the Member for Pembroke were withdrawn, I might then submit my suggestion in the form of an amendment on the original motion.

SIR J. GRAHAM.—I still think it is desirable to ascertain to what extent it will be necessary to relax the confinement of Mr. Sheriff Evans; and for that purpose I would suggest that the motion be withdrawn, and Doctor Chambers called in; after which, the proposition of the Noble Lord opposite might be taken into consideration.

The amendment and motion were then, by leave, withdrawn.

Question put, "That Dr. Chambers be again called to the bar, and be further examined."

Dr. Chambers was then called to the bar accordingly, and examined as follows:—

SIR J. GRAHAM.—When you saw Mr. Sheriff Evans this morning, did you meet Mr. Freeman?—I did.

Did Mr. Freeman state to you his view of the malady of Mr. Sheriff Evans?—Certainly.

Did he state to you for what length of time he had attended Mr. Sheriff Evans?—I think he did not; I do not recollect exactly.

Did Mr. Freeman state to you that, in his medical treatment of Mr. Sheriff Evans, he had treated him on the supposition that his liver was affected?—He did.

Did you examine Mr. Sheriff Evans, with a view to ascertain whether there was any enlargement of the liver?—I did.

Is there an enlargement?—I must answer that question a little at length. There is not that enlargement which constitutes disease of the liver; but the whole region of the liver is turgid and hard, and, in fact, in that state which we consider as congested,—that is the medical term,—the liver full of its own secretions, and not discharging them properly.

The term used by Mr. Freeman was induration; do you think there is an induration of the liver?—Not in the general sense of induration, but in the sense of turgidness and over-congestion.

Is that part in a state of disposition to indurate?—Certainly, a free disposition to disease, properly so called, as distinguished from disorder.

Having ascertained to your satisfaction the state of the parts affected, do you think that close confinement is highly injurious to that predisposition to disease?—I do.

Do you think that custody, such as Mr. Sheriff Evans has undergone for the last six weeks, if continued, will lead inevitably to disease?—I cannot say that; because that depends upon a number of circumstances which no one can foresee; nor can I say anything as to the time at which disease may be produced; but I view the disposition as distinct.

Would you incur the responsibility of stating that further confinement for six weeks, or even a shorter period, might not produce permanent disease?—I really cannot fix any time in which permanent disease might be produced. I should not like to feel the responsibility of continuing the confinement for a very long time, if it were in my own power to prevent it.

In the present state of Mr. Sheriff Evans's health, do you consider danger from a lengthened confinement, such as you would not incur the responsibility of recommending?—I cannot answer that question.

Do you think it necessary, with reference to the present state of health of Mr. Sheriff Evans, that some relaxation of close confinement should be immediately granted?—I do not believe that anything but absolute freedom would place him in a state to recover the degree of good condition which he wants now.

You do not think any relaxation with regard to air and exercise would effect that?—It depends upon how far that is perfect liberty. I do not know how to say anything short of the power of taking free exercise, and having freedom of mind,—freedom, properly so called,—would effect it.

Do you think any such enlargement of custody, as should be limited merely to air and exercise, would not be sufficient to meet the necessity of the case?—I think that would only diminish the probability of further disease. I do not know that perfect freedom would restore any individual, who is out of condition, to health; but, certainly, the prospect would be less of recovering health, if the freedom were only partial.

Taking the case as you saw it this morning, have you any doubt that confinement is injurious? — I should say that confinement is injurious, particularly where there is a state of constitution and habit of body peculiarly disposed to be injured by confinement.

LORD JOHN RUSSELL. — Did you put any questions to Mr. Sheriff Evans with respect to the air and exercise he is enabled to take at present? — I understood from him, in the course of conversation, that he was allowed to walk in the cloisters here; but I do not recollect putting any distinct questions as to the degree of exercise.

Did you think the room in which he was confined one that would materially interfere with his health? — The room is a confined one; considering, also, that a great many visitors and persons on business, even while I was there, were brought into it.

Did you understand from him that there was any prohibition to his being out in the air for a certain time every day? — I did not question him distinctly upon that head; but I understood he was allowed to be out in the cloisters; I think he mentioned, generally, when he mentioned walking out, walking in the cloisters.

Do you think he would be enabled to take exercise if he were at liberty? — I think he would.

Mr. GLADSTONE. — Do you consider mental anxiety as a very important feature in the case of Mr. Sheriff Evans, as it at present exists? — I have not seen enough of Mr. Sheriff Evans to say how much mental anxiety he suffers; but I think it is a distinct aggravating cause of the other evil of confinement.

Without referring to the peculiarities of Mr. Sheriff Evans, as an individual, do you think that, in the state of disease, or any disposition to disease, in which he is at present, mental anxiety must be regarded as an important element in the case, and as likely to exercise a decidedly unfavourable influence? — I think so, decidedly.

LORD VISCOUNT HOWICK. — Do you conceive that if Mr. Sheriff Evans were in custody out of London, and permitted to take a larger portion of air and exercise, that would materially diminish the risk? — That depends entirely upon the conditions of his confinement. I think that confinement in the country, in an airy situation, certainly would be better, upon the whole, but whether the difference is a material one, between one and the other, I doubt, supposing he is in confinement, and a prisoner.

Mr. SANFORD. — Should you, as the medical adviser of Mr. Sheriff Evans, have thought it your duty to have made such a representation as you probably understand has been made by Mr. Freeman to this House, that he ought to be liberated, in consequence of the state he is now in? — I really doubt whether I should have thought it my duty to have come forward on such an occasion, myself; but this I should say, that if Mr. Sheriff Evans had come to me to consult me, I should have given him advice similar to that which I recommend as necessary for him now; that is, that of all others, that kind of constitution he has, requires activity and freedom: it appears that he is just in the condition materially to suffer from the want of it; and I should have advised him, by all means, to take the opportunity of obtaining those advantages as soon as possible.

The ATTORNEY GENERAL. — Did you understand from Mr. Sheriff Evans that he was confined to walking under the arches, or that he was at liberty to take exercise on the banks of the river Thames? — I did not ask him any distinct question; I think he mentioned the Terrace in the course of conversation; but I did not know the nature of the locality, and therefore I did not take any particular notice of it.

Are you acquainted with the banks of the Thames? — No.

An Honourable Member. — Do you consider that Mr. Sheriff Evans is in any immediate danger — No, I do not.

Do you consider that the liver of Mr. Sheriff Evans is in a state of chronic inflammation? — No, I do not; it is in what we call a state of congestion; it is a loaded liver.

Do you happen to have cast your eye over the examination of Mr. Freeman, taken last evening? — I saw it in the newspaper.

Mr. MUNTZ. — Are you aware what quantity of exercise Mr. Sheriff Evans takes? — No, I am not; I never saw Mr. Sheriff Evans till this morning.

The witness was then directed to withdraw.

LORD VISCOUNT MAHON. — I think, Sir, the further evidence which has now been elicited tends very strongly to confirm the original resolutions which I placed in your hands. I consider that, upon the evidence of the two medical gentlemen who have been examined at the bar, I am fully justified in the motion which I now propose, — namely, "That, in consideration of the matter stated in the evidence of Doctor Chambers and Mr. Freeman, in respect of the health of Mr. Sheriff Evans, Mr. Sheriff Evans be forthwith discharged." I trust that that evidence will have the same effect on my Noble Friend opposite (Lord Howick), and that he will, instead of pressing his own motion, support that which I now make.

Upon the question being put, —

LORD VISCOUNT HOWICK said: —I confess that, after the further examination which has now taken place, I take so different a view of that examination from my Noble Friend, that I am disposed not to make my motion at all. I would rather postpone doing so, at all events, until there shall appear some greater necessity for it than at present exists.

The House then divided: — Ayes 84, Noes 125; Majority against the motion 41.

AYES.

Acland, T. D.
A'Court, Captain
Arbuthnott, Hon. H.
Bagge, W.
Baillie, Colonel
Baring, H. B.
Barneby, J.
Barrington, Lord Vt.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marquess of
Boldero, H. G.
Bolling, W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Chute, W. L. W.
Cochrane, Sir T. J.
Darlington, Earl of
Dick, Q.
Dowdeswell, W.
Dunbar, G.
Duncombe, Hon. W.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Feilden, W.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Follett, Sir W.
Forester, Hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Greene, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Halford, H.
Hamilton, Lord C.
Henniker, Lord
Holmes, Hon. W. A'Court
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jones, J.
Jones, Captain
Lincoln, Earl of
Mackenzie, T.
Maxwell, Hon. S. R.
Mordaunt, Sir J.
Neeld, Joseph
Neeld, John
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Ld. Visct.
Pringle, A.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, Hon. J. Y.
Shirley, E. J.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Sturt, H. C.
Sutton, Hn. J. H. T. M.
Tennent, J. E.
Vere, Sir C. B.
Vivian, J. E.
Williams, R.
Wood, Sir M.

Tellers.

Kelly, F.
Mahon, Lord Visct.

NOES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, Hon. Colonel
Baines, E.
Baring, Rt Hn. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Hon. H.
Bernal, R.
Bewes, T.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Butler, Hon. Colonel
Byng, G.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Collier, J.
Corbally, M. E.
Cowper, Hon. W. F.
Craig, W. G.
Curry, Mr. Serjeant
Davies, Colonel
Divett, E.
Douglas, Sir C. E.
Dundas, F.
Dundas, Sir R.
Easthope, J.
Elliot, Hon. J. E.
Ellis, J.
Evans, G.
Evans, W.
Finch, F.
Fitzroy, Lord C.
Fort, J.
Fremantle, Sir T.
Gisborne, T.
Goddard, A.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hardinge, Rt. Hn. Sir H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Howard, Hn. E. G. G.
Howard, P. H.
Howick, Lord Visct.
Hutton, R.
Irving, J.
Lambton, H.
Lascelles, Hon. W. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
M'Taggart, J.
Martin, J.
Melgund, Lord Visct.
Mildmay, P. St. John
Morpeth, Lord Visct.
Muntz, G. F.
Muskett, G. A.
Noel, Hon. C. G.
O'Callaghan, Hon. C.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Protheroe, E.
Pryme, G.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Stanley, Hon. E. J.
Stanley, Hon. W. O.
Staunton, Sir G. T.
Stuart, Lord J.
Thorneley, T.

Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Yates, J. A.
Young, J. (Cavan)

Tellers.

Horsman, E.
O'Ferrall, R. M.

SIR J. GRAHAM.—The result of the evidence on my mind is, that the responsibility on the House of continuing Mr. Sheriff Evans in custody is very great, and that the House will not act wisely if it incur so dangerous a risk. There are precedents for enlarging prisoners from close custody in similar cases; and I think those precedents should be carefully considered with reference to this case. I shall therefore move that the evidence of Doctor Chambers be printed with the Votes; and I hope that the Noble Lord the Member for Northumberland will turn his attention to the subject, and propose, to-morrow, some such motion as he was about to make to-day, for relaxing the close custody of the sheriff.

LORD VISCOUNT HOWICK.—I am disposed to take the same view as the Right Honourable Baronet; but as the case does not appear pressing, I have abstained from making my motion. It is, however, probable that, upon further consideration, I may, either to-morrow or on some other day, be induced to make such a motion as I have suggested.

LORD VISCOUNT INGESTRE.—It might be worthy of consideration, whether the sheriff should not be allowed to go out of custody on parole.

CAPTAIN POLHILL.—The same suggestion has occurred to me; and in consequence of what has been stated by the two medical gentlemen who have been examined at the bar, I shall move, to-morrow, that Mr. Sheriff Evans be liberated on parole.

The question "That, Dr. Chambers's evidence be printed with the Votes;" was then put, and agreed to.

BRITISH CLAIMS ON THE BRAZILS.

Mr. E. TENNENT.—I beg to ask the Noble Lord the Secretary for Foreign Affairs whether any satisfactory answer has been received from the Government of the Brazils upon the subject of the compensation due from that Government to British subjects for injuries sustained during the insurrection at Para in 1835, and to what that compensation would extend?

LORD VISCOUNT PALMERSTON.—An answer has been received, and is now under reference to the Queen's Advocate, for his opinion, as to the validity of the claims.

CORN LAWS.

Mr. BARNEBY.—Seeing the Honourable Member for Cambridge in his place, I will take the opportunity of again asking him whether it is his intention to bring on his motion respecting the Corn Laws on Tuesday next, or to wait until the general question shall come on for discussion?

Mr. PRYME.—I have been informed by my Honourable Friend the Member for Wolverhampton that he intends to propose his motion on the 26th instant; and it is my intention to move, in rather more general terms than appears in the Votes, my motion, as an amendment; thus including both subjects in one debate.

BRITISH CLAIMS ON PORTUGAL.

LORD VISCOUNT SANDON.—I wish to know, from the Noble Lord the Secretary for Foreign Affairs, whether, as regards the new claims which have been made against the Portuguese Government, any satisfactory answer has been received?

VISCOUNT PALMERSTON.—An answer has been received, but it is not final.

DR. BOWRING'S REPORT.

Mr. P. HOWARD.—I wish to ask the Noble Lord the Secretary for Foreign Affairs what prospect there is of the publication of Dr. Bowring's Report with regard to our commercial relations with Prussia and Germany?

VISCOUNT PALMERSTON.—I hope to be able in a few days to lay it before the House.

ADMINISTRATION OF JUSTICE (IRELAND) BILL. — EJECTMENT AND REPLEVIN (IRELAND) BILL.

Second readings deferred till Wednesday, 18th March.

RETURNS, PAPERS, &c.

Jamaica Imports. — On the motion of Mr. BROTHERTON, Return ordered —

Of the annual imports of different kinds of provisions into Jamaica, from 1835 to 1839, both inclusive.

British Museum. — Account (presented 3d March). — To be printed.

SUPPLY.— WAYS AND MEANS.

Committee deferred till Friday.

FIRST FRUITS AND TENTHS.

Report thereupon deferred from to-morrow till Thursday, 12th March.

Adjourned at seven o'clock.

HOUSE OF LORDS, Jovis, 5° die Martii, 1840.

APPEALS.

Countess of Dalhousie *v.* M'Dowall. — Further heard, and adjourned to Monday next.

Cameron *v.* M'Caskill. — Appeal presented, and respondent ordered to answer in four weeks.

LLOYD'S DIVORCE BILL.

Order of the Day for the second reading, and Lords' summoned read; counsel called in, and witnesses examined; and the further consideration and second reading adjourned *sine die.* Evidence to be printed.

PROMOLI'S NATURALISATION BILL. — HAUSBURG'S NATURALISATION BILL.

Read a third time, and passed; and sent to the Commons.

RAILWAY BILLS AND OPPOSED BILLS.

Standing Order Committee on, appointed. — The Lords following were named of the Committee: —

The Duke of Richmond,
The Marquess of Salisbury,
The Earl of Devon,
The Earl of Winchelsea and Nottingham,
The Earl of Doncaster,
The Earl of Abingdon,
The Earl Morton,
The Earl of Hardwicke,
The Earl of Ilchester,
The Earl of Radnor,
The Earl of Charlemont,
The Earl of Chichester,
The Earl of Verulam,
The Earl of Beauchamp,
The Earl of Stradbroke,
The Earl of Burlington,
The Earl of Ripon,
The Earl of Effingham,
The Viscount Leinster,
The Viscount Hood,
Lord Londes,
Lord Boston,
Lord Foley,
Lord Montague,
Lord Kenyon,
Lord Saltersford,
Lord Bayning,
Lord Redesdale,
Lord Sheffield,
Lord Colchester,
Lord Rayleigh,
Lord Bexley,
Lord Penshurst,
Lord Somerhill,
Lord Wharncliff
Lord Rosebery,
Lord Poltimore,
Lord Hatherton,
Lord Strafford,
Lord Bateman.

LORD DOUGLAS OF DOUGLAS.

Petition of, for a Bill; read, and referred to judges in Scotland.

JANET SHUTTLEWORTH; SIR HENRY PEYTON, BARONET; JOHN WHALLY; CHARLES BOWYER ADDERLY; EARL OF STAMFORD AND WARRINGTON; THE REVEREND ROBERT BOOTHLEY HEATHCOTE; JOHN WILSON; DOROTHY LARKING.

Petitions of, for Bills; read, and referred to two English judges.

BATTERSBY'S DIVORCE BILL.

Petition of John Nelson, of Doctors' Commons, proctor, agent for Ann Battersby, of Wellesbourne, in the county of Warwick, praying that the service of the order for the second reading of the Bill, and of an official copy of the said Bill, upon Thomas Flower, of 87. Hatton Garden, London, attorney of Arthur Battersby, may be deemed good service; and that personal service on the said Arthur Battersby may be dispensed with, read:

Then the said John Nelson was examined on oath at the bar, and delivered in a copy of the conviction of bigamy of Arthur Battersby, otherwise Henry Napier Disney, which he proved to be a true copy; and also a certificate from the Secretary of State's Office, Home Department, dated 18th February, 1840, as follows; namely,—

> Upon reference to a Return of convicts in New South Wales, made up to the 31st of December, 1838, it appears that Arthur Battersby, *alias* Henry Napier Disney, who was convicted at the Central Criminal Court in January, 1838, and transported to that colony in the ship "Portsea," on or about the 24th July, 1838, was living at the above date, place not stated.
>
> JOHN H. CAPPER,
> Superintendent of Convicts.

Ordered, that the Bill be read a second time on Monday, the 23d instant, and the Lords summoned; and that a copy of the said Bill, and of the Order of the Day for the second reading thereof, be served upon the said Thomas Flower.

JAMES CLOSE.

Petition of,— for leave to bring in a Bill to dissolve his marriage with Louisa Close, his now wife, and to enable him to marry again, presented, and read, and leave given; and copy of proceedings in Ecclesiastical Court delivered on oath.

WARR'S DIVORCE BILL.

Several witnesses ordered to attend.

TRINITY COLLEGE (WORDSWORTH'S) ESTATE BILL.

Judges' Report received, and Bill read a first time.

WINCHESTER CEMETERY BILL.

Read a second time, and committed for to-morrow.

LORD DUFFERIN AND CLANEBOYE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Tuesday next.

FIERS' NATURALISATION BILL.

Returned from the Commons, agreed to.

BRIGHTON SMALL DEBTS BILL. — ROTHERHITHE BURIAL GROUNDS BILL.—CHESTER AND BIRKENHEAD RAILWAY BILL.—SHEFFIELD AND ROTHERHAM RAILWAY BILL.

Brought from the Commons, and read a first time.

WOLVERHAMPTON CHAPEL BILL.

Reported, with amendments.

VAGRANTS' REMOVAL BILL.

House in committee (according to order), and Bill reported, without amendment.

SELECT COMMITTEE ON THE PETITION OF THE EAST INDIA COMPANY FOR RELIEF.

C. E. Trevelyan, Esquire, Assistant Secretary to the Treasury, ordered to attend on Monday next.

CORN LAWS.

The EARL of WARWICK.—My Lords, I have to present 100 petitions from the county of Warwick against any alteration of the corn laws; and I understand that 70 petitions to the same effect have been forwarded for presentation to a Noble Friend of mine. These petitions have been perfectly voluntary; no influence having been used to induce the petitioners to come forward. They have been got up in the course of one week, and are the result of the apprehension which is felt by the agriculturists that an alteration is contemplated in the corn laws, which would be not only injurious to them, but to the whole community. I would beg to remind your Lordships that there is a great difference between these petitions and those which are got up by the anti-corn law delegates who are now traversing the country in all directions, setting farmer against landlord, and labourer against farmer. The petitions I have to present are from owners and occupiers of land in Kington; Ratley and Upton; Budingbury; Snitterfield; Upper Radburn; Walmington and Arleocote; Wormleighton; Haselor; Spernal; Tanbourn; Weithly; Fulbrook; Long Itchington; Coughton; Billesley; Claverdon and Laingly; Ladbrooke and Idoitnell; Brailes; Long Compton and Little Wolford; Stourton; Leckington; Wishaw and Moxhull; Burton and Hastings; Brinklow; Tutnell and Cobley; Ashow; Copson; Oversley; Binton; Bubbenhall; Astley; Wappenbury; Foleshill; Long Lawford; Radford Semele; Hampton Lucy; Farnborough; Bishops Itchington; Chadshunt and Laydon; Aston Cantlow; Stoneleigh Stoke; Wasperton; Weston under Wetherley; Lapworth and Kingswood; Willoughby; Stretton upon Dunsmore; Ryton upon Dunsmore; Hampton in Arden; Lower Shucksburgh; Packwood; Whichford and Ascote; Avon Dassett; Combfields; Pellerton Priors; Cherington and Burnington; Hornington; Kings Newnham; Frankton; Lea Marston; Billow; Middleton; Corley; Ufton; Willenhall; Tamworth; Grendon and Whittington; Edgebaston; Wiletoft; Arrington and Stonedelph; Cestersoon; Monks Kirby; Newnham Paddocks; Strutfields and Monks Riding; Chappel Ascote; Wixford; Eathope; Aukskey; Sherbourne; Lillington; Merivale and Bentley; Fenny Compton; Willingbrook and Hopsford; Sutton Coldfield; Ansley; Baddesley; Ensor; Allesly; Shuttington; Elmden; Chilvers Cotton; Wolvey; Newton and Biggen; Rugby; Hill Morton; Cosford; Meriden; Binley; Newton Regis; Maxtoke; Churchover; Leek Wootton; Bourton and Draycote; Sheldon; Leamington; Hastings; Barford; Saint Nicholas, Warwick; Saint Mary, Warwick; Dunchurch; Wellesbourne; Hastings and Walton; Exhall juxta; Bishops Teachbrook, Bagington, and Sturchall; Wolston and Marston; Wolverton; Pellerton; Hersey; Arley; Willey; Nuneaton; Attleborough and Stockingford; Church Lawford; Bearly; Shustoke; Norton Lindsey; Hornley and Wroxhall; Leamington Priors; Kingsbury; Hurly and Dosthill; Barkswell; Bickmarsh and Bidford; Arrow; Studley; Exhall; Shotteswell; Charlecote; Stockton; Priors Hardwick; Butters Marston; Upper Shugsburgh; Priors Marston; Princethorpe; Whitchurch; BudBudbrook; Whitnash; Ansty; Moreton Morrell; Balsall; Newbold upon Avon; Grandborough; Caldecote; Weddington; Wellesbourne Mountford; Wyken; Farnborough; Grafton; Beausal; Bickenhill; Over Whitacre; Minworth; Haseley; Wolfhampcote; Great Alne; Marton; Chesterton and Kington; Newbold Pacy and Ashorne; Rowington and Pinley; Strutton upon Fosse and Ditchford; Bulkington, Barnacle, Bramcote, and Marston Jabbett; Barston; Eatington; Henley in Arden, Ullenhall, and Aspley; Compton Verney; Offchurch; Sowe; Kenilworth; Huningham; Thurlaston; Baxterley; Little Lawford; Brownsover; Nether Whitacre; Coleshill; Fillongley; Cubbington; Milverton; Beaudesert; Preston Baggott; Lighthorne; Alveston; Hatton and Shrewley; Salford; Combrook; Ilmington and Compton Scorpion; Shilton; Clifton upon Dunsmore; Harbury; Moreton Baggott; Whatcote; Oxhill and Radway; Halford; Compton Wyniates and Great Wolford; Idlicote; Burton Dassett; Mollington; Alcester and Kinwarton; Baddesley Clinton; Ipsley; Stratford on Avon, Luddington, Milcott, Old Stratford, and Drayton; Curdworth; Little Packington; and Tillington: and of inhabitants of Arlington, Barmbro', and Hickleton; Goldthorpe and Bolton; Braithwell Loversall; Rossington; Adwick-le-Street; Tickhill; and Armthorpe.

The DUKE of RICHMOND. — I am happy to find that the farmers of Warwickshire have done their duty in coming forward to petition against the alteration or repeal of the corn laws. I have to present a petition to the same effect from a parish in the county of Sussex; and I hope the farmers throughout the country will follow the example, and will exert themselves to defeat the projects of those agitators who are inflaming the public mind on this question, and fomenting discord between the farmers and the labourers.

Petitions read, and severally ordered to lie on the table.

SCOTCH CHURCH PATRONAGE—NON-INTRUSION.

The DUKE of RICHMOND. — My Lords, I have to present to your Lordships two petitions, from the towns of Hass and Huntley, complaining of an interdict issued by the Court of Session, prohibiting certain clergymen from preaching, and praying protection for the said clergymen, and for an adjustment of the question in dispute. I take this opportunity again to express my hope that some measure will speedily be provided to allay the excitement which now prevails in Scotland on this subject. I think that I shall best discharge my duty, as a country gentleman, by abstaining, for the present, from giving any opinion on the subject. When, however, any measure to remedy the existing evil shall be introduced, I shall give it my best attention, and state my reasons for the vote which I shall give.

The EARL of ABERDEEN. — My Lords, I have to present three petitions on the same subject. They are from the minister, elders, and others of Barvas: from the minister, members of session, and congregation of St. Andrew's, Glasgow: from the presbytery of Nairn: and from the inhabitants of Moy and Dalarrossie. They are all in favour of the principle of non-intrusion; but by that phrase they all mean something different from each other. Your Lordships have, no doubt, lately heard a great deal about non-intrusion; yet I believe that few of your Lordships know exactly what "non-intrusion" signifies, — what meaning is attached to the term. I therefore will briefly explain to your Lordships what are the views taken in Scotland on this point by the leading portions, — by the great divisions of the Church; at the same time abstaining from giving any opinion as to the merits of the question. In the first place, there exists now, and always has existed, a numerous body who look upon church patronage as unscriptural, — as an abomination, — as an accursed thing, that ought to be abolished as soon as possible. The object of that portion of the Church is, the total abolition of patronage; and that abolition is prayed for in several of the petitions which I have had the honour of presenting. The next great division of the Church is composed of those who do not advocate the abolition of patronage, but who advocate the right of the people to have a positive veto on the presentation of a minister, without assigning any reason whatsoever for their rejection of him. That is the present law of the Church under the Veto Act, which was passed in 1834; and which your Lordships' House has declared to be illegal, and beyond the power of the General Assembly to enact. That, however, may be considered to be the opinion held by the majority of the Church in the General Assembly, and also by the majority of the presbyteries throughout the country. Those parties hold that the people have a positive arbitrary right to reject a presentee, without assigning any reasons, but merely on expressing a conscientions conviction of his unfitness for the office. The third class consists of those who agree that the people should have a right to make any objection whatever to a presentee, whether it be connected with his moral character, his literary acquirements, or any other point that might lead to their full conviction of his unsuitableness; on which objection, the presbytery of the Church would decide. They contend, that they may even object that they could not be edified by the presentee's ministry; and the presbytery of the Church has a right to decide on the propriety of this objection arbitrarily, although it might not, in any degree, affect the presentee's character or his acquirements. This class comprises a large and numerous portion of the Church. They do not pray that the Veto Act should be legalised, but that the people may have their right acknowledged to evict ministers for any reason whatsoever that appears sufficient to them. The fourth division consists of those from whom my Noble Friend has presented petitions, and who think that the power of rejection should only be allowed where objections to a minister, affecting his character, his doctrines, or his literary acquirements, can be legally sustained. This is, in numbers, the most limited of the classes, and they approve of the law as it has stood for the last hundred years. These, my Lords, are, I think, the four great divisions into which the Church is divided on the subject, although there may be other shades of difference. When I mention that division which prays for the total abolition of patronage, I wish your Lordships to understand that they do not wish the people generally to exercise the right of electing the minister; they would limit that right to those who are in full communion with the Church in the different parishes. By a recent Act, the right is confined not merely to communicants, but to such communicants only as are the heads of families. This seems to me to be an arbitrary limitation. I cannot conceive on what grounds those who are communicants, but not heads of families, should be deprived of their rights. However, it is necessary that I should call your Lordships' attention to the fact, that the manner of dispensing the holy sacrament is different in Scotland from what it is in England; nor does the communicant hold the same station in the two countries. The people in the former country are not allowed to go up to the table indiscriminately. Only those are admitted who are considered qualified to partake of the holy rite; and that after examination by the ministers and elders. Therefore, to a considerable extent, there is a certain guarantee as to the character of the feeling, and the disposition, of the persons called upon to exercise the privilege of rejection. Before I sit down, I have one word to say to the Noble Viscount opposite. I know that the Noble Viscount is much pressed from many quarters to bring forward a measure upon this subject, and that the Government are much blamed for the delay that has taken place. Now, I confess that I am more afraid of precipitation than of delay. But I earnestly entreat the Noble Viscount, before he is driven to adopt any measure, to consider the question calmly, and to deliberate maturely on the nature of whatsoever proposition he may be induced to bring forward. No Government ever had a subject more delicate or more difficult to legislate on, or one with reference to which there was a greater necessity for serious deliberation. Above all, it demands honesty of purpose. I will say, that if it were left to the unbiassed judgment of the Noble Viscount, I am not sure that we should have a wise measure, but I am quite disposed to think we should have an honest one; but, from what I see at present, I am afraid that his unbiassed judgment will not have fair play. I am perfectly aware of the immense difficulty and importance of the question; and therefore I would press upon the Noble Viscount the necessity of not introducing a Bill until it shall have been deliberately considered and carefully prepared.

Petitions read, and ordered to lie on the table.

NEWPORT CONVICTS.

LORD TEYNHAM. — My Lords, I have to present to your Lordships a petition from Newport, the scene of the late disturbances, signed by 1500 out of 6000 inhabitants, praying that this House will present an Address to Her Majesty for the free pardon of the three convicts, — Frost, Williams, and Jones. My Lords, I am confident that it would be impossible for this House, as the last resort of justice in the country, to let the petition lie on the table unnoticed. I have taken great pains to ascertain the character of the petitioners; and I find that they are all respectable, and owners of the houses which the convicts were punished for attempting to burn. I lament that the subject has fallen into such humble hands as mine. I hope that, after the Easter recess, the Noble and Learned Lord (Brougham), who has taken such interest in the subject, will again devote his attention to it. If not, I will, myself, as well as I can, bring the petition under the consideration of your Lordships.

The MARQUESS of NORMANBY.— My Lords, I am quite ready to believe that this petition has been numerously signed; but I cannot think it has as many signatures to it as the Noble Lord has stated. Fifteen hundred is so large a number, that I think the Noble Lord must have been misinformed.

LORD TEYNHAM. — I can only say that I have taken every pains to ascertain that this petition is what it represents itself, in every particular. If the Noble Marquess wishes, he can take it home and examine it himself.

Petition read, and ordered to lie on the table.

REGISTRATION OF VOTERS.

LORD WHARNCLIFFE presented a petition of the mayor, aldermen, and burgesses of Leeds, alleging that the time allowed for revising the burgess lists is too limited, and praying for alteration of the law in that respect. — Read, and ordered to lie on the table.

UNION WORKHOUSES.

LORD REDESDALE presented a petition praying that they may be exempted from the payment of parochial and parliamentary taxes, — of the board of guardians of the Witney union. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The MARQUESS of BUTE, the EARL of GALLOWAY, and the Earl of ABERDEEN presented a petition from the reverend the presbytery of Meigle, objecting to the power exercised by the General Assembly in refusing to allow presentees to officiate without the sanction of the majority of the congregation, and praying for the adoption of some measure to settle the question: Also,

Petitions for non-intrusion, — from Muirkirk; Saint Vigean's, Forfar; Dornoch; Portpatrick; Panbride; Clatt; Benbecula and district of Jochdar; Loudown; King Edward, Aberdeen; Yester; Clyne; Girvan; Anderston; Cairne; Edderton; Cawdor; Auldearn; and Braccadale. — Read, and ordered to lie on the table.

CITY OF LONDON CORPORATION.

Viscount Melbourne presented a petition of householders and occupiers of premises in the city of London and liberties thereof, praying for the reform of the municipal corporate institutions of London.—Read, and ordered to lie on the table.

CORN LAWS.

Lord Wharncliffe presented a petition for the repeal of,—of inhabitants of Fenton, in the Staffordshire potteries.—Read, and ordered to lie on the table.

OPIUM TRADE.

Lord Ellenborough presented a petition from the St. George and East Smithfield branch of the East London and Tower Hamlets Auxiliary to the British and Foreign Society for the Suppression of Intemperance, praying that English ships may be prevented from smuggling opium into China.

HORSE-RACING ACT IN PART REPEAL BILL.

The DUKE of RICHMOND.—My Lords, I move that the Horse-racing Act in part Repeal Bill be now read a second time. As the Noble Lord on the woolsack thinks it would be better not to re-repeal the whole of the Act of the 13th George II., I now propose only to repeal the two clauses which have given power to informers to bring vexatious and frivolous suits.

Bill read a second time, and committed to a Committee of the whole House on Friday, and the Lords summoned.

EAST INDIA COMPANY.

On the motion of Lord Ellenborough, copies or extracts of despatches from the Government of India to the Court of Directors of the East India Company, relative to the appointment of a Committee for the purpose of investigating the operation of the sea and land customs throughout India, and reporting the progress which has been made in the improvement of the system of levying duties of customs at the three presidencies; together with the replies of the Court of Directors to those despatches: also, copy of any correspondence which may have passed between the Board of Commissioners for the Affairs of India and the Court of Directors on the same subject: and, also, copy of minute of the Governor General of India, on the cultivation of cotton in the East Indies, dated Timla, the 14th August, 1839.

Ordered to be laid before the House.

PAPERS, &c.

Account of the allowances, compensations, remunerations, and superannuations granted to officers and servants of the Board of Commissioners for the Affairs of India and of the East India Company, in 1839.—Delivered (pursuant to Act), and ordered to lie on the table.

Account of the quantity and value of all articles of the growth or manufacture of the United Kingdom imported into the territories under the government of the East India Company, in each year, from 1828 to 1838, inclusive; together with an account of the rate of duty levied upon the import of each article in each year: And, also,

Similar accounts of the imports from the territories under the government of the East India Company into the British colonies, and from the British colonies into the territories under the government of the East India Company respectively; showing, in all cases, the rate of duty levied upon the import of each article.

Delivered (pursuant to Order of the 20th of February last), and to be printed.

Reports respecting gaols (delivered the 18th February, 1839).—To be printed.

Reports respecting gaols (delivered on Tuesday last).—To be printed.

Return of the number of seamen and marines voted by Parliament for the service of the navy, in the year 1839. Also,

Return of the distribution of the ships of the royal navy in commission, for the month of December, 1839: Also,

Return of the number of officers, seamen, and marines composing the complements of the ships stationed on the coasts of Great Britain and Ireland, in the month of December, 1839; and, also, of the numbers actually borne on the books of the said ships on the 1st December, 1839: Also,

Return of the number of seamen and marines borne on the books of the under-mentioned ships (distinguishing supernumeraries, if any), on the 1st of August, 1839; and the war complements of the same ships, as established by Her Majesty's Order in Council:— Howe, Britannia, Impregnable, Melville: Also,

Return of all squadrons of ships of war (distinguishing the numbers of each class) assembled for the purpose of exercise in naval evolutions, between the 1st January, 1835, and 1st January, 1840; distinguishing the years, numbers of ships, and the length of time they remained at sea together: And, also,

Return of the names of all ships launched since the 1st of January, 1835; distinguishing the yards at which they were launched:

Delivered (pursuant to Address of the 6th of February last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were severally presented, and read a first time, and ordered to be read a second time; namely, —

Torquay and Dartmouth Roads Bill. Leave to Committee to sit this day till five of the clock, during the sitting of the House.

Banff Municipal Police and Harbour Bill, — "For regulating the Municipal Government and Expenses of the Royal Burgh of Banff, North Britain; for establishing an effective Police within the same; and also for maintaining, improving, and regulating the Harbour of the said Royal Burgh."

Tavistock Small Debts Bill,—"For the more easy and speedy Recovery of Small Debts within the Town of Tavistock, and other Places therein mentioned, in the Counties of Devon and Cornwall."

Clyde Navigation Bill, — "For further deepening and improving the River Clyde, and enlarging the Harbour of Glasgow, and for constructing a Wet Dock in connection with the said River and Harbour."

Morton Carr Drainage Bill,—"For the more effectual Drainage of certain Lands in the Townships of Morton Walkerith, East Stockwith, Bliton, Wharton, Pilham, and Gilby, in the Parishes of Gainsborough, Bliton, and Pilham, in the County of Lincoln."

Ayr Waterworks Bill, — "For supplying the Town of Ayr, and Suburbs of Newton and Wallacetown, and Places adjacent, in the County of Ayr, with Water."

Ardrossan and Johnston Railway Bill, — "For separating the Management of the Ardrossan and Johnston Railway from the Management of the Glasgow, Paisley, and Johnston Canal; for incorporating the Proprietors thereof; for doubling and improving the said Railway; and for other Purposes relating thereto."

Sheffield and Rotherham Railway Bill; Brighton Small Debts Bill; Lancaster and Preston Railway Bill. — Read a third time, and passed.

Edinburgh and Leith Gas Bill; Liverpool East India Warehouse Company Bill. — Reported; to be ingrossed.

Fiers' Naturalisation Bill.—Reported, without amendment; read a third time, and passed.

Kington Inclosure. — Order for Bill (21st February) read, and discharged; another Bill ordered to be brought in by Mr. Barneby and Mr. Foley.

Shrewsbury Cemetery.—Order for Bill (18th February) read, and discharged; another Bill ordered to be brought in by Sir Richard Jenkins and Mr. Slaney.

Launceston Market and Improvement.—Order for Bill (17th February) read, and discharged; another Bill ordered to be brought in by Sir Henry Hardinge and Lord Eliot.

Crown Point (Leeds) Bridge and Roads Bill. — Committee revived; leave to sit and proceed on Friday next.

Deal and Walmer Waterworks. — Report from Select Committee on Standing Orders (28th February) read; Bill ordered to be brought in by Sir Thomas Troubridge and Sir Rufane Shaw Donkin.

Birmingham and Gloucester and Bristol and Gloucester Railways Union. — Report from Select Committee on Standing Orders (4th March) read; Bill ordered to be brought in by Mr. Henry Hope and Mr. Philip Miles.

Petitions for Bills in the following cases were severally reported, and Bills ordered to be brought in, as follows: —

Lough Foyle and Lough Swilly Drainage, — By Mr. Yates and Colonel Salwey.

Duffryn Llynvi Railway, — By Mr Mansell Talbot and Lord Viscount Adare.

Stoke Bruern Inclosure, — By Mr Cartwright and Sir Charles Knightley.

Liverpool Borough Fund, — By LORD VISCOUNT SANDON and Mr. CRESSWELL.

York Improvement, — By Mr. JOHN HENRY LOWTHER, Mr. JOHN DUNDAS, and Mr. BROADLEY.

Penzance Pier and Harbour, — By Mr. PENDARVES and SIR CHARLES LEMON.

London Steam Docks. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Stafford's Patent. — Petition for leave to present a petition for a Bill reported; Report to lie on the table.

Edinburgh Market and Petty Customs Bill. — Reported; amendments agreed to; amendment made; Bill to be ingrossed.

Greenock Improvement Bill. — Petition of William Crawfurd, against.—Referred to the Committee on the Bill; counsel ordered.

Birmingham and Wyrley Canal Bill.— Petition of the company of proprietors of the Warwick and Birmingham Canal Navigation, against. — Referred to the Committee on the Bill; counsel ordered.

Kingston upon Hull Docks Bill. — Petition of merchants, shipowners, and others of Hedon, against. — To lie on the table.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill. — Petition of John Connell, praying that it be an instruction to the Committee, that they have power to hear William Macdowall, Robert Wylie, the magistrates and council of Prestwick, Alexander Murdock, and William Henry Duke of Portland, notwithstanding their petitions were not presented three clear days before the day appointed for the first meeting of the Committee. — To lie on the table, and to be printed.

NOTTINGHAM GAS BILL.

Petitions in favour, — from Nottingham (bearing 2000 signatures); Lenton; Sneinton; New Radford and Hyson Green; and Carrington.

SIR JOHN HOBHOUSE and another HONOURABLE MEMBER presented six petitions from Nottingham, against. — Ordered to lie on the table.

COLONEL ROLLESTON having moved that the Nottingham Gas Bill be read a second time, —

SIR J. C. HOBHOUSE said: — I have been instructed by my constituents to give to this Bill a decided opposition. The petition which I this evening presented against the Bill is signed by no less than 2000 of the inhabitants of Nottingham. One of the petitions presented in favour of the Bill, and signed by a similar number of inhabitants, is easily accounted for. They are persons who expect, naturally enough, that if there be two gas companies established in the town, instead of one, they will be supplied with gas at a cheaper rate. But such is not the case; for as the quantity of gas supplied would be divided between two establishments, the scale of profits must be increased in order to afford an adequate remuneration to each; so that, eventually, it would be dearer to the inhabitants than it is at present. I deny, Sir, that the promoters of this Bill have made out a case for a second gas company in the town of Nottingham. I have heard no complaints respecting the present supply of gas. It is sold at from 6*s.* to 8*s.* per 1000 feet; and, besides the supply which the company have engaged to give, they, without any profit, supply the public lamps. They also supply gas to the town clock gratis, at an expense to them of 50*l.* a-year. Their works are fully adequate to supply the present and any probable demands that may arise for gas, both in the town and suburbs adjoining it. Now, if another company be established, it is clear that the streets of Nottingham must be opened to lay down the mains; from which great inconvenience will necessarily result, and, more than that, great expense; for, as I am instructed, the streets of Nottingham have been newly paved. The only charge of any weight that I know of against the proprietors of the present company is, that they have sanctioned great incivility and want of attention in their servants. That is, no doubt, very improper; and if the charge can be substantiated, I am sure the proprietors will not hesitate to procure more civil servants; so that that evil may be remedied without breaking up the streets of the town. You say, " Let us go into a Committee, that we may see what is necessary to be done, and which of the two companies is likely to afford the greater degree of satisfaction." Sir, having had much experience of Committees, and especially of Nottingham Committees, I must object to that proposition. My Honourable Friend opposite knows what was the fate of the last Committee which sat in reference to the town and county of the town of Nottingham. After sitting several days, it came to the conclusion that no case had been made out; thereby throwing away a great deal of valuable time and money. I believe there are no less than six lawyers concerned in the present case; and I do not know that there is so much superfluous capital in Nottingham as to make it advisable that it should be expended in a similar way, and for the purpose of serving those gentlemen. Being of opinion, therefore, that there are no grounds to warrant the establishment of a second gas company in the town of Nottingham, which would require the streets of the town to be broken up, and much inconvenience and expense would be thereby created; while, on the other hand, the present company is able to supply all the wants of the town, with a quality of gas, and at such a price, as to leave no complaint against them, but that of incivility on the part of their servants, whom they can easily teach to be more civil in future; I feel it my duty to move that this Bill be read a second time this day six months.

COLONEL ROLLESTON.—Sir, the Right Honourable Baronet, in the course of the speech he has just delivered, in accordance with the instructions which he received from a portion of his constituents, told the House that this Bill for the better lighting of the town of Nottingham is supported by a considerable number of the inhabitants; while he, at the same time, refuses to allow it to go before a Committee,—the only place where its merits can be truly and really ascertained. I believe that, twenty or twenty-five years ago, an Act was passed, and is now in force, for the purpose of lighting the town of Nottingham; of the efficiency or inefficiency of which I shall not now speak. I shall not follow the example of the Right Honourable Baronet, by alluding to any of the observations which have been thrown out in parliamentary papers, but confine myself solely to the subject before us. It must be known to most Honourable Members, that the town of Nottingham, at the period of the passing of the Act to which I have alluded, was in a very different state from what it is at present. The population of the town was then but 40,000; it is now upwards of 60,000. We must also consider that the neighbourhood has grown to such an extent as to be, in the eye of a stranger at least, completely connected with the town. As regards the working classes, and the usual intercourse that is carried on between the town and the neighbourhood of the town, they are quite assimilated. Those adjoining districts comprise a population of 30,000, which, with the increase of 20,000 in the town itself since the passing of the Act, leaves 50,000 to be added to the amount of the population at that period; which is thereby more than doubled. The manufactures of the place, let it be likewise recollected, have increased in an equal ratio. The House will, therefore, see that the supply of gas, which might at first have been abundantly sufficient, may now be totally inadequate. But the case does not rest here. A Bill was passed last year, for including about fifty acres of certain waste lands, which are about to be covered with houses. Neither to this, nor to other extra-parochial places, has any supply of gas been, up to this hour, afforded. The mills and factories of the place, with the exception of two, have never had any light from the present gas company. A petition has been presented to the House for fresh powers to supply the deficiency. The Right Honourable Baronet has made one statement, believing it to be true;—I, another, with the same impression. I do not ask the House to pass this Bill upon the faith of what I state, or to confer those fresh powers, in compliance with the prayer of the petition; all I ask is, to allow the case to be investigated,—to allow the Bill to be read a second time, and sent before a Committee. I believe it is very unusual to oppose a Bill at this stage, except upon some ground of objection to the principle, against which, however, in this instance, the Right Honourable Baronet has not said one word; choosing, rather, to enter into the details of the question. I would not have uttered a syllable in reference to those details, but for the speech of the Right Honourable Baronet, which was made up entirely of detail. The Right Honourable Baronet said that no complaint had been made as to the inefficiency of the present company; the only one he knew of being that of incivility on the part of the servants of the company. Now, I will mention one fact, which can be substantiated before the Committee, if a Committee be granted. Some short time since, the owners of a factory applied to the company to supply their establishment with gas. The company did so, but so inefficient was the supply, and so bad the light, that the contract was broken up; and those persons have since been obliged to try their own means, and at a heavy expense, to light their own factory. I do not wish to throw any blame upon the company; they have, I know, done their utmost; but their establishment is a small one; and I do not see how it is possible for them to afford a sufficient supply of gas to so populous a district as Nottingham has now become, — a district which, within the last twenty years, has, in the way I have shown, increased its population from 40,000 to 90,000. I therefore hope the House will not be induced to reject the Bill.

Mr. GALLY KNIGHT. — Having been a member of the Committee of last year, to which the Right Honourable Baronet has alluded, I must say, that, instead of being deterred, with the Right Honourable Baronet, by the experience of that Committee, from going before another upon this Bill, I am the more anxious, from my recollection of the proceedings of that Committee, that we should be permitted to do so, certain as I am, that, in this, as I conceive we did in the former case, we should come to whatever decision would be most advantageous for the town of Nottingham. I cannot but express my surprise at the quarter from which the opposition to this Bill comes. I scarcely expected to find the Right Honourable Baronet, who is known to possess such liberal principles, standing forward as the friend of monopoly, and attempting to keep in darkness, instead of enlightening, the good people of Nottingham. Alas! Sir, I am afraid that, after all, Liberals are but flesh and blood, and that, when shares of *50l.* have risen to *115l.*, they are anxious, still, that they should get up to *150l.* The case, Sir, has been so ably stated by my Honourable and Gallant Friend, that I do not feel myself called upon to go into it. I shall only observe, that the present company appears to me to be somewhat like the Tories of old; and that you can say of it what has been said of them, "that it has struggled long to keep those privileges for which it was wholly unequal, and that the time is at last come, when it must consent to admit others to participate in the work it has hitherto so inadequately performed."

Mr. M. ATTWOOD. — The argument of the Honourable and Gallant Colonel has mainly tended to this, — that we ought not to depart from the usual course of allowing the Bill to be investigated before a Committee. But, Sir, unless a strong case be made out, — which, certainly, has not been done in this instance, — I see no reason why we should not refuse to follow that precedent, and to take that course. What is the fact? The gas company of Nottingham have been placed, by the House of Commons, under certain regulations and restrictions. They were not given unlimited power to establish themselves in the town, and tax the inhabitants to any extent; but, in consideration of the power thus received, they were obliged to restrain themselves to a certain rate of profit; so that the charge to the inhabitants could not go beyond what would afford a moderate return upon the capital invested. When, therefore, an application is made to allow another company to be established, it is not to be treated as if it were an application to upset a monopoly. It is stated, in the petition which I presented this evening against the Bill, that, so far from the present company having heretofore had a profit of 10 per cent. on their capital (the amount to which they were restrained by this House), the whole profits had not averaged 6½ per cent. since the company was established. No one will say that that is more than an adequate return upon the capital from the time of its investment; and I certainly think it would be very unfair to allow another company to compete with it now that the town of Nottingham presents a more favourable prospect. The promoters of this Bill do not say that the present company have not fulfilled their obligations, or that they have supplied bad gas, or charged an immoderate price for it to the inhabitants. Great incivility on the part of the company's servants is their only complaint. The prices charged by this company are actually lower than the average prices throughout the kingdom. The company have, in every respect, acted up to the principles upon which they were established. The company it is proposed to establish may, no doubt, supply gas to certain districts, not included in the original undertaking of the existing company; but as that is the only additional advantage to be gained by the Bill, let the Bill be confined to that object, and then, perhaps, there will be no objection to it.

The EARL of LINCOLN. — The speeches of the Right Honourable Baronet and my Honourable Friend who has just spoken show, I think, how necessary it is, in all other cases, as well as in this, not to oppose the second reading of the Bill, but to send it before a Committee. My Honourable Friend, in the few observations he addressed to the House, made several misstatements, which, I think, I can very briefly refute. My Honourable

Friend said, that the company has not failed in any one object for which it was incorporated. We do not say it has; but we do say, that, having been incorporated to meet the wants of 40,000 inhabitants, it is incompetent to supply those of 90,000. We admit that the company has done everything in its power; but we contend that it is inadequate to the necessities of the town. My Honourable Friend called upon the House not to sanction another company, now that the town of Nottingham presents a prospect of larger profits than the present company has hitherto enjoyed; which my Honourable Friend stated to have been only 6½ per cent. Now, if we are allowed to go before a Committee, I will undertake to prove a fact which, I think, will throw a very fair doubt upon that assertion. I will undertake to prove, that 50*l.* shares have, very recently, been sold for 115*l.*, at least. Surely, under such circumstances, the dividend must be greater than 6½ per cent.; and, surely, such a fact entitles us to call upon the House to allow this Bill to be sifted by a Committee. We do not complain of this company as a monopoly, but on account of its inability to do all that is requisite. We do not complain of its gas being bad; I know it is not so; but we complain of its not being able to supply all the inhabitants. As I have been informed, several manufacturers in Nottingham are, at this moment, manufacturing their own gas, at a great disadvantage and expense. Many of the suburbs, too, which, being united with the town, may be regarded as part of it, are without any light whatever. The Right Honourable Baronet alluded to the circumstance of lawyers being connected with this Bill. That I do not deny; but I deny, as he meant to insinuate, that it is a lawyers' job. A meeting, convened by advertisements inserted in both the Nottingham papers, was held at the Exchange, and was attended by persons of all ranks and politics; and the result of that meeting was the adoption of this measure. It cannot, therefore, be considered as one got up for the benefit of lawyers. I hope the House will consent to have its merits sifted before a Committee. Instead of throwing additional expense upon the parties, it may turn out to be a saving. If last year's Bill, for instance, had been rejected, as proposed by the Right Honourable Baronet (Sir J. C. Hobhouse), it would have been introduced this year again.

The House divided:—Ayes 58, Noes 59; Majority 1.

AYES.

Alsager, Captain
Baker, E.
Baring, H. B.
Barneby, J.
Bentinck, Lord G.
Berkeley, Hon. H.
Blair, J.
Bradshaw, J.
Broadley, H.
Bruges, W. H. L.
Clive, Hon. R. H.
Dalrymple, Sir A.
Dunbar, G.
Duncombe, Hon. W.
Estcourt, T.
Farnham, E. B.
Finch, F.
Freshfield, J. W.
Gisborne, T.
Gordon, Hon. Captain
Graham, Rt. Hn. Sir J.
Greene, T.
Grimsditch, T.
Hepburn, Sir T. B.
Hodgson, R.
Holmes, W.
Houldsworth, T.
Hurt, F.
Inglis, Sir R. H.
Irving, J.
Knight, H. G.
Lockhart, A. M.
Mackenzie, T.
Mackinnon, W. A.
M'Taggart, J.
Maidstone, Lord Visct.
Marton, G.
Miles, P. W. S.
Packe, C. W.
Plumptre, J. P.
Pringle, A.
Rae, Rt. Hon. Sir W.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Scarlett, Hon. J. Y.
Sheppard, T.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Vere, Sir C. B.
Vernon, G. H.
White, A.
Young, J. (Cavan)

Tellers.
Lincoln, Earl of
Rolleston, L.

NOES.

Aglionby, Major
Alston, R.
Attwood, W.
Baines, E.
Barnard, E. G.
Bridgeman, H.
Brotherton, J.
Busfeild, W.
Collins, W.
Crawford, W.
Douglas, Sir C. E.
Duff, J.
Easthope, J.
Ellis, W.
Evans, W.
Greg, R. H.
Grey, Rt. Hon. Sir C.
Hayter, W. G.
Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
James, W.
Jervis, J.
Lascelles, Hon. W. S.
Lennox, Lord G.
Lister, E. C.
Lynch, A. H.
Mordaunt, Sir J.
Muntz, G. F.
O'Connell, D.
O'Connell, John
Ord, W.
Pattison, J.
Pechell, Captain
Philips, M.
Pryme, G.
Rickford, W.
Rundle, J.
Salwey, Colonel
Sanford, E. A.
Sharpe, General
Sheil, Rt. Hon. R. L.
Shirley, E. J.
Stanley, Hon. W. O.
Stansfield, W. R. C.
Stewart, James
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Thompson, Alderman
Thornely, T.
Turner, W.
Westenra, Hon. J. C.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Worsley, Lord
Yates, J. A.

Tellers.
Duncombe, T.
Hobhouse, Rt. Hon. Sir J.

Bill put off for six months.

PUBLIC BUSINESS.

RETURNS.

The following Returns, &c., were severally presented, and ordered to lie on the table; namely, —

Passengers' Baggage (London).—Copy of the orders and regulations of the department for clearing passengers' baggage in the port of London, and the establishment (ordered 14th February).

Spain (Marines, &c.). — Account of the number of marines employed on the coast of Spain, and of the value of stores advanced to Spain (ordered 18th February).

Customs Duty. — Return of the amount of customs duty collected in each port of the United Kingdom in 1838 and 1839 (ordered 31st January).

Poor of Scotland. — Return respecting the Report on the management of the poor in Scotland by the Committee of the General Assembly (Address 30th January).

Court of Common Pleas. — Copy of warrant under which the Court of Common Pleas was opened to King's counsel and outer barristers (Address 27th February).

Victualling Stores (Navy). — On the motion of Mr. HUME, return ordered —

> Of the prices of the principal victualling stores for Her Majesty's navy, in the year 1840, and the amount per cent. by which the prices of these stores, in 1840, exceed the average prices of the three years preceding 1839: Also, Return of the amount per cent. by which the prices of 1840 exceed the prices of 1839; distinguishing, also, the prices of wheat, meat, and biscuit, at home and abroad, in each of these years.

PETITIONS.

Corn Laws, — From Stand Lane, Lancaster, for repeal.

Church Patronage (Scotland), — For alteration of the law, — from Kirkhill; and Edderton.

—

Ordered to lie on the table.

LEAVE OF ABSENCE.

To COLONEL GRANT, till Easter, — domestic affliction; Mr. GRANT, till Easter, — domestic affliction• Mr. LUKE WHITE, a month, — ill health; Mr. CHRISTOPHER, a fortnight, — assizes; CAPTAIN BRYAN, a month, — ill health.

CONTROVERTED ELECTIONS.

Mr. ORD reported from the General Committee of Elections, —

> That the Committee have again taken into their most serious consideration the difficulties which have arisen in the course of their proceedings, and which were detailed to the House in their last Report.
>
> The Committee have already stated to the House their opinion, that it would be necessary for them, in consequence of those difficulties, to fix another and more distant day for choosing the Select Committee to try the Ludlow election petition; and, also, to make a corresponding change in the days fixed for choosing the Select Committees for the trial of election petitions standing on their list after the Ludlow election petition.
>
> After the fullest inquiry and most mature deliberation, the Committee have seen no reason to alter this opinion. They have accordingly directed notices to be given to the parties in the Ludlow and Ipswich petitions, that they will proceed to nominate the Select Committee in those cases on Monday, the 30th day of March instant; and to the parties in the Totness and Cambridge petitions, that they will proceed to nominate the Select Committees in those cases on Monday, the 6th day of April next. They have also directed a notice to be published with the Votes, according to the provisions of the Act, of the weeks appointed for the choice of Select Committees for the petitions above-mentioned, and of the panels from which Committees will be chosen to try such petitions; — viz., the Committees for the Ludlow and Ipswich petitions from Panel No. 1.; and the Committees for the Totness and Cambridge petitions from Panel No. 2.
>
> The Committee are persuaded that, in taking this course, they have not acted in contravention of the Act; but, considering the doubts expressed by high legal authorities in the House as to its construction, they have thought it right to report to the House the course which they have adopted, in order to give the House the opportunity, if it should think it necessary, of removing, by a legislative enactment, all doubts which may exist as to the legality of the proceedings of the Committee in the above cases.

Report to lie on the table, and to be printed.

MESSAGE FROM THE LORDS,

That they have passed a Bill, intituled, "An Act for naturalising Friedrich Ludwig Leopold Hausburg."

Also, a Bill, intituled, "An Act for naturalising August Wilhelm Bernhard Promoli."

FOREIGN POSTAGE.

Mr. H. FITZROY. — I wish to put a question to the Right Honourable Gentleman the Chancellor of the Exchequer, on the subject of the new postage regulations.

I find that if a letter be sent to Dover, it is charged a penny; but if the letter be sent to Paris, the postage, as far as Dover, is charged, as formerly, 10*d.* I want to know the reason for this distinction. Again, I find, if I post the Votes of the House, and put my name on the cover, that they go free; but if I am away from London, I cannot receive them postage free. Now, I wish to ask whether Members will be allowed to receive the Votes alone free from postage?

The CHANCELLOR of the EXCHEQUER. — The Honourable Gentleman is quite correct in stating that the home postage to Dover is a penny; but the postage on a foreign letter is fixed under a treaty; and by that treaty the postage to Dover is 10*d.* The subject of the foreign postages has not escaped the attention of the Government; and more especially with regard to France, with whom we are now in negotiation,—the object being to obtain from foreign Governments a reduction in their rate of postage.

Mr. H. FITZROY. — I beg the Right Honourable Gentleman's pardon, but he has misapprehended the purport of my first question. My question did not relate to the rate of postage on the other side of the water, but to the charge to and from Dover in this country; and I see no reason why the same rate should not be paid in all cases.

The CHANCELLOR of the EXCHEQUER. — That is just what I do not want to do. My object is, to have something to give the French Government in return; and both Governments are now, in a friendly way, settling what reductions shall be made. With regard to what the Honourable Gentleman has stated respecting the transmission of the Votes, I shall be very glad if I can find any one who will enter into an inquiry upon the subject with me, to whom I can explain the reasons for the regulations which have been adopted; but I am sure that when the privilege of franking was given up, it was never intended that it should be renewed for the benefit of this House alone.

OPIUM TRADE (CHINA).

Mr. HERRIES. — I wish to ask the Right Honourable Gentleman whether the accounts which have been sent into the Treasury by the merchants who claim compensation for the opium which was surrendered to the Chinese authorities at Canton, include any quantity over and above that which was delivered up to the superintendent in the first instance?

The CHANCELLOR of the EXCHEQUER. — No; only that which was surrendered in the first instance.

PRINTED PAPERS — MR. SHERIFF EVANS.

CAPTAIN POLHILL. — I do not know whether I am in order, or not; but I must throw myself on the indulgence of the House. The motion of which I have given notice, "That Mr. Sheriff Evans be discharged from custody on his parole," is the last on the list notices for to-day; but I do trust the House will grant its indulgence so far as to allow me to bring it forward now. The case is one of very great importance.

[Cries of "Oh, oh!"]

Of course, if the House decide that my motion shall only come on in its rotation, I must submit. It is well known —

[" Cries of "Order, order!" and "Chair!"]

The SPEAKER. — If the House think proper to allow the motion of the Honourable Member to take precedence, undoubtedly it is competent for them to do so; but as the question to which the Honourable Member desires to call the attention of the House is not one of privilege, I apprehend that it can only be brought forward in its due course, except by permission of the House.

CAPTAIN POLHILL. — I am aware, Sir, that such is the rule; but I hope, in a case of this description —

Several HONOURABLE MEMBERS. — Order, order!

CAPTAIN POLHILL. — Of course, if the opinion of the House be against me, I must bow to their decision.

APPOINTMENT OF MR. STEPHENSON — PLURALITY OF OFFICES.

LORD GRANVILLE SOMERSET. — In rising to move for certain papers relating to the appointment of Mr. Stephenson to the offices of Commissioner of Arbitration and Commissioner of Excise, I will proceed to explain the reasons which have induced me to call for those papers. I am well aware that the motion I am about to submit to the House is not one involving great pecuniary considerations; it goes, rather, to an inquiry into the inefficient and improper system under which the revenues of this country are conducted, than to any specific amount. But, although the pecuniary amount be small, it yet involves questions of a serious nature, touching public economy and public justice; and, if I am correctly informed, the course which has been followed, in respect to the case which, by these papers, will be brought under the notice of the House, is so contrary to all the rules which have been laid down by all parties in the House, by Reports of Committees and other authorities, and to the practice of all other Commissions, that I feel it very difficult to bring myself to believe the facts are as they have been stated to me. Indeed, if I had not heard from the Right Honourable Gentleman the Chancellor of the Exchequer himself, that Mr. Stephenson had received a salary of 1200*l.* a-year, as Commissioner of Excise, in addition to a salary of 1000*l.*, as Commissioner of Arbitration, the statement would have appeared so incredible to me, that I should hardly have felt myself justified in bringing forward this motion. The Right Honourable Gentleman, in reply to a question that I put to him, on a former occasion, said that Mr. Stephenson had been for two years concerned both as a Commissioner of Excise and a Commissioner of Arbitration, and had received a certain portion of the salary of each. This, as I understood it, was the statement of the Right Honourable Gentleman; and on that statement I proceed. By the Act which first authorised the appointment of the Arbitration Commission, under the sanction of the Great Seal, that Commission might consist of not fewer than five, or more than eight, Commissioners; but, whether more than five were appointed or not, three only could receive payment on account of the office; such payment being made under the orders of the Treasury Board. The five unpaid Commissioners, who were appointed on the establishment of this Commission, were, most of them, if not all, connected in some way with other official business; among them was Mr. Lefevre, the brother of the Right Honourable Gentleman who now so ably fills the chair of this House, Mr. Stewart, and others. There was, also, another gentleman, a Mr. Amyot, connected with the Commission, who received no salary as a Commissioner, but who also held the office of Registrar of Slaves, for which he was paid a salary of 800*l.* a-year. The Commission of which I speak was intrusted with duties of a more than ordinarily onerous nature, and with the most extensive, and what, in other cases, might be considered as extraordinary, powers. In the first place, they had to apportion the twenty millions of money that was granted by this country as compensation to the slave owners, first, to the various slave colonies, and then to the individual owners. They were, consequently, armed with very large powers, — they could compel attendance, — they could enforce an oath, which oath was liable to all the pains and penalties of perjury, — and, in short, their duties and their powers were so extensive as to place them more in the position and authority of both judge and jury than, perhaps, any other Commission. I make no complaint of the manner in which the Commissioners have performed their task. I believe that they have given general satisfaction. I have not heard one word against their decisions. The three paid Commissioners were, Mr. Lewis, Mr. Elwin, and Mr. Stephenson, up to the latter end of the year 1838, when one of those gentlemen (Mr. Stephenson) was appointed a Commissioner of Excise. The date of that appointment was, I believe, September, in that year. Now, the first and natural impression would be, that, on his appointment to the Commissionership of Excise, he vacated his place, as a paid Commissioner, at the Board of Arbitration; and that that was his own impression, there is every ground for supposing, from the fact that he immediately proceeded to take a formal leave of his brother Commissioners of the Arbitration Board. But even that is not all; for we find that, in the following month of October, in the same year, Mr. Amyot, who had, up to that period, acted as an unpaid Commissioner, received an official intimation that he was to succeed to the paid Commissionership vacated by Mr. Stephenson; and it appears, further, that Mr. Stephenson received, in October, 1838, the fraction of salary due to him, up to that time, as Commissioner of Arbitration. Subsequently, however, it appears, that Lord Glenelg was induced to recall his recommendation of Mr. Amyot. I say recommendation, because the Secretary of State had not the power absolutely to appoint,— he could only recommend to the Crown, I find that if a letter be sent to Dover, it is charged a penny; but if the letter be sent to Paris, the postage, as far as Dover, is charged, as formerly, 10*d.* I want to know the reason for this distinction. Again, I find, if I post the Votes of the House, and put my name on the cover, that they go free; but if I am away from London, I cannot receive them postage free. Now, I wish to ask whether Members will be allowed to receive the Votes alone free from postage?

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PRINTED PAPERS — MR. SHERIFF EVANS.

CAPTAIN POLHILL. — I do not know whether I am in order, or not; but I must throw myself on the indulgence of the House. The motion of which I have given notice, "That Mr. Sheriff Evans be discharged from custody on his parole," is the last on the list notices for to-day; but I do trust the House will grant its indulgence so far as to allow me to bring it forward now. The case is one of very great importance.

[Cries of "Oh, oh!"]

Of course, if the House decide that my motion shall only come on in its rotation, I must submit. It is well known ——

["Cries of "Order, order!" and "Chair!"]

The SPEAKER. — If the House think proper to allow the motion of the Honourable Member to take precedence, undoubtedly it is competent for them to do so; but as the question to which the Honourable Member desires to call the attention of the House is not one of privilege, I apprehend that it can only be brought forward in its due course, except by permission of the House.

CAPTAIN POLHILL. — I am aware, Sir, that such is the rule; but I hope, in a case of this description ——

Several Honourable Members. — Order, order!

CAPTAIN POLHILL. — Of course, if the opinion of the House be against me, I must bow to their decision.

APPOINTMENT OF MR. STEPHENSON — PLURALITY OF OFFICES.

LORD GRANVILLE SOMERSET. — In rising to move for certain papers relating to the appointment of Mr. Stephenson to the offices of Commissioner of Arbitration and Commissioner of Excise, I will proceed to explain the reasons which have induced me to call for those papers. I am well aware that the motion I am about to submit to the House is not one involving great pecuniary considerations; it goes, rather, to an inquiry into the inefficient and improper system under which the revenues of this country are conducted, than to any specific amount. But, although the pecuniary amount be small, it yet involves questions of a serious nature, touching public economy and public justice; and, if I am correctly informed, the course which has been followed, in respect to the case which, by these papers, will be brought under the notice of the House, is so contrary to all the rules which have been laid down by all parties in the House, by Reports of Committees and other authorities, and to the practice of all other Commissions, that I feel it very difficult to bring myself to believe the facts are as they have been stated to me. Indeed, if I had not heard from the Right Honourable Gentleman the Chancellor of the Exchequer himself, that Mr. Stephenson had received a salary of 1200*l.* a-year, as Commissioner of Excise, in addition to a salary of 1000*l.*, as Commissioner of Arbitration, the statement would have appeared so incredible to me, that I should hardly have felt myself justified in bringing forward this motion. The Right Honourable Gentleman, in reply to a question that I put to him, on a former occasion, said that Mr. Stephenson had been for two years concerned both as a Commissioner of Excise and a Commissioner of Arbitration, and had received a certain portion of the salary of each. This, as I understood it, was the statement of the Right Honourable Gentleman; and on that statement I proceed. By the Act which first authorised the appointment of the Arbitration Commission, under the sanction of the Great Seal, that Commission might consist of not fewer than five, or more than eight, Commissioners; but, whether more than five were appointed or not, three only could receive payment on account of the office; such payment being made under the orders of the Treasury Board. The five unpaid Commissioners, who were appointed on the establishment of this Commission, were, most of them, if not all, connected in some way with other official business; among them was Mr. Lefevre, the brother of the Right Honourable Gentleman who now so ably fills the chair of this House, Mr. Stewart, and others. There was, also, another gentleman, a Mr. Amyot, connected with the Commission, who received no salary as a Commissioner, but who also held the office of Registrar of Slaves, for which he was paid a salary of 800*l.* a-year. The Commission of which I speak was intrusted with duties of a more than ordinarily onerous nature, and with the most extensive, and what, in other cases, might be considered as extraordinary, powers. In the first place, they had to apportion the twenty millions of money that was granted by this country as compensation to the slave owners, first, to the various slave colonies, and then to the individual owners. They were, consequently, armed with very large powers, — they could compel attendance, — they could enforce an oath, which oath was liable to all the pains and penalties of perjury, — and, in short, their duties and their powers were so extensive as to place them more in the position and authority of both judge and jury than, perhaps, any other Commission. I make no complaint of the manner in which the Commissioners have performed their task. I believe that they have given general satisfaction. I have not heard one word against their decisions. The three paid Commissioners were, Mr. Lewis, Mr. Elwin, and Mr. Stephenson, up to the latter end of the year 1838, when one of those gentlemen (Mr. Stephenson) was appointed a Commissioner of Excise. The date of that appointment was, I believe, September, in that year. Now, the first and natural impression would be, that, on his appointment to the Commissionership of Excise, he vacated his place, as a paid Commissioner, at the Board of Arbitration; and that that was his own impression, there is every ground for supposing, from the fact that he immediately proceeded to take a formal leave of his brother Commissioners of the Arbitration Board. But even that is not all; for we find that, in the following month of October, in the same year, Mr. Amyot, who had, up to that period, acted as an unpaid Commissioner, received an official intimation that he was to succeed to the paid Commissionership vacated by Mr. Stephenson; and it appears, further, that Mr. Stephenson received, in October, 1838, the fraction of salary due to him, up to that time, as Commissioner of Arbitration. Subsequently, however, it appears, that Lord Glenelg was induced to recall his recommendation of Mr. Amyot. I say recommendation, because the Secretary of State had not the power absolutely to appoint, — he could only recommend to the Crown, which would, always, no doubt, act on his recommendation. Last winter, it happened that a sudden stoppage of the payment of the salaries of the Commissioners took place, and some inquiry was instituted which led to the knowledge of the fact that Mr. Stephenson was to receive the whole year's salary, from October, 1838, to October, 1839, as Commissioner of Arbitration: so that, in point of fact, he was in the receipt of 1200*l.* a-year, as Commissioner of Excise, and of 1000*l.* a-year, as Commissioner of Arbitration, contemporaneously. Now, if rumour can be depended on, the Right Honourable Gentleman opposite took the same view of this subject as I myself take, and made, at the time, the most vigorous, though ineffectual, efforts to withstand the pressure put on him to allow Mr. Stephenson the salary of 1000*l.* a-year in addition to his salary as Commissioner of Excise. Had Lord Glenelg's arrangement been adhered to, and Mr. Amyot's appointment confirmed, the country would have saved the salary of 800*l.* a-year, which that gentleman receives as Registrar of Slaves. It may be said, that Mr. Stephenson is a person of extraordinary powers and great aptitude for business; and that, therefore, he was fully equal to perform the duties of the two Commissionerships. I have already stated to the House what is the business of the Arbitration Board. It is, in every respect, judicial. The duties of that board consist in determining legal questions, — in the examination of witnesses, — in balancing the value of separate pieces of evidence, documentary and otherwise; and they consist, likewise, in the examination of witnesses *vivâ voce.* This statement is not founded upon mere matter of opinion, or of conjecture; it is a simple statement of facts notorious in every quarter where the proceedings of the Arbitration Board have ever become a subject of interest.

Now, I want to know how any one could possibly discharge such duties as those I have mentioned, and be, at the same time, constantly absent, which, as an Excise Commissioner, he must necessarily be, from that place, and that only place, at which they could be discharged? It might as well be said that the judges of the courts at Westminster could walk in and walk out while an important legal argument was going forward, and, after having been absent three parts of the day, walk in and sign an award in favour of one party or the other, — as that any person, efficiently and properly discharging the duties intrusted to Mr. Stephenson at the Board of Excise, could, at the same time, satisfactorily, either to himself or the claimants, pronounce upon questions of arbitration, under the Slave Compensation Act. It may be said that, as Mr. Stephenson was so well acquainted with all the questions which the Arbitration Board had to decide, he was the most proper person to be continued as a member of that board. But, admitting, to the full extent, Mr. Stephenson's ability, and the great value of his services at the Arbitration Board, I conceive that to be a reason why he should have been kept exclusively to that office, and why his time should not have been taken up, and his attention diverted, by the duties belonging to the office of an Excise Commissioner. The Government ought not, if there were questions still pending before the Board of Arbitration, in which Mr. Stephenson had taken a great interest, and the details of which he was better acquainted with than any other person, to have transferred his services to any other office, on account of any convenience or preference, on his part, until those questions had been decided. But let the House see the impossibility of any person performing the duties of the two offices contemporaneously. The hours of attendance to be given at the two places where Mr. Stephenson, according to the prescribed rules and regulations of his two offices, was bound to be present, are,—at the Excise Office, from ten o'clock in the morning till three in the afternoon; and at the office of the Commissioners of Arbitration, the hours of attendance were to be from eleven o'clock till four; consequently, Mr. Stephenson must have been often absent either from the one board or the other. It is clear that no person could, at one and the same time, discharge the duties of both. I apprehend that no man will attempt to say that the Commissioners of Arbitration ought, at any time, to be absent from their posts. Is the Right Honourable Gentleman opposite, the Chancellor of the Exchequer, prepared to assert that the Commissioners of Excise have no duties to perform? Is it not, on the contrary, a matter well known to the generality of the Members of this House, that the duties of the Board of Excise are peculiarly onerous? And I believe I am quite correct in saying that no Government ever — openly at least — sanctioned such a combination of two offices so obviously incompatible with each other, before. To show the nature of the duties of the Excise Board, I need only refer to the Treasury Minute of 1835, the period when the present rate of salary of the Excise Commissioners was fixed. It is stated, in that Minute, that the complication of the law relating to that department of the revenue (the Excise) was such, and the number of traders who were constantly brought before them was so great, as to render the constant attendance of the Commissioners necessary. I may be told that it would have been very hard on Mr. Stephenson, an efficient and valuable public officer, to have deprived him — when the vacancy occurred at the Excise Board, where the salary was 200*l.* a-year more than he was then receiving as Commissioner of Arbitration — of the opportunity of transferring his services to a more lucrative office. That, perhaps, might be a good argument with the Government for giving Mr. Stephenson the appointment; but, if so, and they thought that his occasional attendance, for a short time, at the Arbitration Board was necessary, why did they not adopt that which is, I believe, the invariable course in similar cases, — pay Mr. Stephenson the salary belonging to the one office only? I ask the Government, on what public grounds they can justify their conduct in paying to a gentleman 1000*l.* a-year for the discharge of the duties of an office requiring his whole time and attention, at the same time that they were paying him 1200*l.* a-year salary on account of another office, which, also, required his full time and attention?

There is rather a curious point connected with this subject, to which I shall now take the liberty of directing the attention of the House. The Commissioners of Arbitration were (as Honourable Gentlemen are aware) appointed under an Act of Parliament. Had the Board of Treasury attended to the express provisions of that Act, the grounds of complaint upon which I rest my motion would, in all probability, not have arisen. If they had carried out, as they ought to have done, the provisions of that Act, one very remarkable feature would have been removed from the present case. In the same Act, in which there is a provision for the payment of the Commissioners, it is laid down that, every five years, an account shall be rendered to Parliament of the expenses incurred under the authority of that Act. But, notwithstanding the Commission has sat during five years, no such account has yet been rendered. I will not say that the account has been withheld for the purpose of effecting any such object as that which I now make the subject of complaint; but this I will say, that, if a job were intended, nothing could be more favourable to its accomplishment than the circumstance of the account never having been furnished. I repeat, that I impute the absence of the account to no such motive; but, nevertheless, I cannot help noticing the circumstance as exceedingly suspicious. I do not accuse Her Majesty's Government of intentional violation of an Act of Parliament; but I do accuse them of having neglected to comply with a clear and distinct, and, at the same time, a most important provision, of the Act of Parliament which has immediate and direct reference to the matter in question. The provision to which I have alluded was introduced for the purpose of checking improper and useless expenditure; and I must say, that the Right Honourable Gentleman the Chancellor of the Exchequer forgot his duty, when he neglected to resist the importunity of the First Lord of the Treasury to grant this 1000*l.* a-year to Mr. Stevenson after his acceptance of the seat at the Excise Board, in not impressing upon that Noble Lord the fact that there was an Act of Parliament in existence requiring them to lay an account before Parliament, which account would be open to question by the House of Commons. I am quite sure, if the Right Honourable Gentleman had made such a representation, the Noble Lord at the head of the Treasury would not have pressed his recommendation. I cannot help very much regretting that Mr. Stephenson should ever have been induced to accept the second situation; or, at all events, to have taken the additional salary. And, on the other hand, I think the Treasury are much more to blame for allowing it. I hope, however, that, as far as Mr. Stephenson is concerned, one advantage will arise out of this discussion; and that he will take a lesson from his own case, and never allow any one of his subordinate officers to hold two situations at one time, receiving a salary from each. But, as regards the Board of Treasury, I cannot but consider their conduct, in paying the money, as a monstrous dereliction of duty. I know of no greater fault that could be committed by them, nor do I know an instance in which less disposition has been shown to avoid an improper and needless expenditure of the public money; and that, too, not only against the often-declared principles of economy which the present Ministry profess, but against (as I contend it is) the express provisions of an Act of Parliament. If I am wrong in any of the statements I have made to the House in reference to this matter, — if it should be said by the Right Honourable Gentleman that the whole accusation has originated in a mistake, — then my reply will be, that the fault does not lie with me, but with the Treasury Board, in having neglected to comply with that provision of the Act of Parliament which requires that the information should be laid on the table of this House. Now, what is the real state of the case? In the first place, here is an often-declared and most important principle broken in upon, by permitting a member of that which is the highest paid of all the revenue boards to hold another office in plurality; and not only that, but you give him 1000*l.* a-year on account of such extra office, in addition to his salary of 1200*l.* a-year as an Excise Commissioner. Thus, assuming that Mr. Stephenson — who, as a Commissioner of Excise, is bound to dedicate the whole of his time and attention to the service of that department, consistently with a reasonable care of his own private affairs, and a fair allowance for recreation — had so much of spare time on his hands as to enable him to perform the duties of another important office, which duties had been estimated as of the value of 1000*l.* a-year; then, accordingly, Mr. Stephenson receives, for one year's services, no less a sum than 2200*l.* Never, since any attention has been paid by Parliament to the expenditure of the public money, — certainly never within the last five-and-twenty years, — has any similar case occurred. No doubt there have been instances of men holding more than one situation; but then they were situations in which the duties were small, and the emoluments small; therefore, the precedent which they supply can be of no value in the consideration of such a case as the present. Here you appoint a gentleman to a class of office which is paid at a higher rate than any other similar office in the country, on the ground of the onerous nature of the duties, and the full occupation of the time of the officer; and yet you give, in addition, to the same person, another office, also requiring the whole time and attention of the officer, with a salary of 1000*l.* a-year. I say this is contrary to all principle, and to all precedent; and I further maintain that, by reason of the non-compliance, on the part of the Treasury, with the Act of Parliament, in this case, the country is a loser to the amount of 800*l.* a-year, as I have already explained. But this, after all, is a matter of secondary importance to the principle which has here been infringed upon; namely, that, with regard to all the revenue boards, the members of those boards should devote, not merely the mere office hours, but their whole time and attention, to the making themselves masters of the business of their respective departments. In thus bringing the case under the notice of the House, I have studiously refrained from any exaggeration. I have endeavoured to state the circumstances as accurately as possible; but, in the absence of those official documents to which I ought to have access, I, of course, cannot answer for the correctness of every statement I have made. I trust, however, it will be felt that I have made out a sufficient case to justify my calling upon her Majesty's Government for some explanation of the circumstances I have mentioned, and also for the production of the papers for which I am about to move.

With regard to that portion of the Return which refers to the Marquess of Normanby, as Secretary of State, I will not press for that. I beg now, Sir, to move, "That an humble Address be presented to Her Majesty, that she will be graciously pleased to give directions that there be laid before this House a Return of all persons appointed to be paid Commissioners of Arbitration under the powers of the Act 3 & 4 Will. IV. c. 73.; stating their names, the dates of their appointments, the salaries and emoluments to be paid to each of them, and the payments made to them, respectively, on account thereof; the dates of the said payments, and the authority under which such payments have been made:

Return of any other office (if any) in the public service held by each of the said paid Commissioners of Arbitration; specifying the date of appointment to each office respectively, the salaries and emoluments payable, and the salaries and emoluments paid, in consequence of such other office; together with the dates of payment in each case:

Copy of any warrant or warrants by which any payments have been made to Mr. Stephenson, as Commissioner of Arbitration, since the appointment of Mr. Stephenson to be a Commissioner of the Board of Excise:

Copies of any communications from the Secretary of State for the Colonies, Lord Glenelg, to the Board of Treasury, or to the Board of Arbitration Commissioners, in reference to the appointment of Mr. Amyot to be a paid Commissioner of Arbitration:

Copies of any communications from the Secretary of State for the Colonies to the Board of Treasury or the Board of Arbitration Commissioners, in reference to Mr. Stephenson continuing to receive salary as a paid Commissioner of Arbitration, since Mr. Stephenson's appointment as a Commissioner of the Board of Excise."

Upon the question being put from the chair, —

The CHANCELLOR of the EXCHEQUER said: — The Noble Lord must be perfectly well aware that it is not my intention to object to the production of the Returns for which he has moved. Not only those, but every other document relating to the case to which the Noble Lord has directed the attention of the House, will, with the greatest pleasure, be laid on the table. But, notwithstanding this willingness, on the part of the Treasury, to produce all the information in their power, the Noble Lord has thought fit to argue the case in the absence of any kind of evidence. For my own part, I should have wished to have abstained from offering a single observation on the subject, until the House itself was in a condition to judge on this matter, with all the proper documents before it; but, as the Noble Lord has pointed his attack so particularly at me, I trust the House will permit me to make a short statement in reply; assuring the House that my statement will be fully outborne by the documents, when propuced. I wish, however, before adverting to the particular case which the Noble Lord has brought forward, to state what was the arrangement with respect to these Commissioners, — an arrangement not made by me, but by a Treasury minute. It was this: — the Commissioners were to be paid, not an annual salary, but a certain fixed payment, estimated according to the amount of the labour required, and the extent of the business to be done. When the Arbitration Commission was first appointed, the exact nature and extent of the business that would be brought before them could not be exactly calculated; but it was supposed that their labours would extend over a period of about three years; and the understanding was, that they should report from time to time to the Treasury the amount of business done; and upon those Reports the Treasury have been in the habit of issuing payment to the Commissioners, — not as salary, but *pro ratâ*, according to the work done. In this sense, Mr. Stephenson has been paid, on account of his labours in one year, the sum of 1000*l.*; but in this sense only: he cannot be said to have received 1000*l.* a-year salary. The Noble Lord has done no more than justice, in saying that the labours of the Commissioners of Arbitration have been well and efficiently performed; there is no one connected with the West India interest who would gainsay that statement: on the contrary, I am sure that the members of that body would be most willing to bear testimony to the truth of that observation. I believe there never was a Commission that had more delicate and more important duties placed in their hands, and who have attended more assiduously, and given more general satisfaction to the country than this; and I may here add, that a distinguished member of the legal profession has stated that the manner in which the Commissioners have performed those duties, and decided upon the difficult and often complicated legal questions that from time to time have been brought before them, might serve as an example to some of the courts of law. I will now proceed to state the case, as regards Mr. Stephenson. That gentleman was appointed, as has been stated, to the office of Excise Commissioner in the month of October, 1838, — he continuing to afford occasional assistance at the Board of Arbitration. In the autumn of last year, the Report of the Commissioners of Arbitration was laid before the Treasury, together with an application for such allowance to the Commissioners as the Treasury should think fit to grant. That Report brought two points to my notice. The first was, that the business of the Commission was in that state which I thought would justify me in recommending that the necessary notices should be issued, and the labours of the Commission brought to a close at an early period. Accordingly, I communicated with my Noble Friend upon the subject; and the result is, that notices have been issued, stating that the Commission will close on the 1st of January, 1841. The next point that was brought under my notice by the Report I have alluded to was, the fact that the name of Mr. Stephenson still appeared on the list of Commissioners. The Noble Lord opposite has been good enough to do me more than credit, in supposing that there was a contest on this point, and with regard to Mr. Stephenson, between me and my Noble Friend at the head of the Government. The Noble Lord is very much mistaken. The moment that the matter was brought before me, I felt the difficulty of permitting one gentleman to hold two high offices. I made inquiry into the subject; and I then wrote to my Noble Friend, stating my opinion that it should be put an end to for the future; and, so far from receiving a remonstrance from my Noble Friend, in favour of Mr. Stephenson, my Noble Friend desired me to proceed as I thought right and proper. I mention this, because the Noble Lord has imagined that I had some difference with my Noble Friend upon this point. I then sent for Mr. Stephenson, and told him of the objectionI felt,—that I did not think it right that one person should receive the salaries of two high-paid offices; and it is but just to Mr. Stephenson to state, that there never was a communication received in a more honourable or creditable manner. Mr. Stephenson entreated me to take the matter in my own hands, and he was ready to abide by my decision. He thought — and in that we agreed — that he should be allowed to bring to a close the labours of the Commission on which he had been so successfully engaged; and he stated that he was willing to continue his assistance as a Commissioner, either with the payment of any reasonable sum I might propose, or without any payment at all.

I will now state the grounds on which I determined for continuing Mr. Stephenson as a Commissioner. In the first place, the Commissioners were to be paid by the amount of the labours actually performed by them; and, upon inquiry, I found that which all must perceive on looking at the different years, that the duties of the Commission, up to the middle of the year 1838, had been of the most laborious and important character; and that, from that period, the labour had materially diminished, and would continue to do so to the close of the Commission. The great mass of the work had been already performed; and I saw clearly that, if Mr. Stephenson had then retired, the amount of time employed could form no criterion of the amount of labour that still remained to be done. It was not a question of salary that I was considering, but what was fairly due to Mr. Stephension, — not only for the remaining period of the Commission, but for the services he had already performed. I may have been wrong; but this consideration certainly influenced the decision to which I arrived. I also considered that it was an advantage to the public service, in a Commission which has to decide cases of a judicial nature, and which had hitherto proceeded to the public satisfaction, that Mr. Stephenson should give the aid of his continued services to the Commission; instead of appointing, in his stead, a stranger, who would either have to learn the duties from others, or who would sit by, a cypher, while the other Commissioners did the duties. Looking, then, to the labours which had been previously performed, and looking to the advantage of having the assistance of Mr. Stephenson for the remaining two years of the Commission, I thought I was fully justified in issuing — not 1000*l*. a-year, but — 1000*l*. I said to Mr. Stephenson, "I will not refuse to issue 1000*l*. in your favour; but it shall be the last issue, and upon the distinct understanding that you shall continue to perform the duties of a Commissioner of Arbitration until the termination of that Commission." I am bound to tell the House that I abide by that decision, and that I consider it but a fair and equitable settlement of the claims of Mr. Stephenson. If, then, I had to consider the case over again, my decision would be the same; but, suppose it an improper one, and that it was a case in which the appointment had been made, not by myself, but by my predecessor in office, — by the Noble Lord opposite, for instance, — I think my proper course would be to say, I will not act retrospectively in the matter, — I will not go back and undo that which my predecessors have done; but I will content myself with making provision for the future, so that such a case shall not occur again. That, I believe, has been the usual practice of former Governments. It is true, that my Noble Friend; Lord Glenelg, under a false impression that Mr. Stephenson was either about to resign or had resigned, wrote to Mr. Amyot, appointing him to the Commissionership; but that was under a misapprehension of the facts; and my Noble Friend, immediately on discovering his error, wrote an apology to Mr. Amyot, and begged to withdraw the letter of appointment. There are, I believe, some letters upon this point in existence, which will satisfactorily prove this part of the case. With regard to Mr. Amyot, I must beg to be understood as having no wish to draw a comparison between two public officers; but I may be permitted to say, that the cases which come before the Commissioners of Arbitration for their adjudication are of a peculiar and complicated nature, and such as require to be decided upon by persons cognisant both of the principles and practice of law. The Commissioners, in fact, sit as judges, and have to decide legal questions, and go into evidence on the various claims that are laid before them. Now, without wishing to speak of Mr. Amyot in any other than terms of the highest respect and esteem, I must say that I did not consider that gentleman, who had not had the advantage of a legal education, the fittest person to be appointed in the room of Mr. Stephenson; and if he had been appointed, he would have been placed in the position of deciding upon points of a legal nature, possibly to the dissatisfaction both of himself and the claimants; or, on the other hand, he must have sat at the board as a mere cypher.

The Noble Lord (Lord G. Somerset) has said that, from the nature of the business of the Board of Arbitration, it is necessary that Mr. Stephenson should be in constant attendance. But that is not exactly the case. When the board was first appointed, the amount of business that came before it certainly required the constant attendance of the Commissioners; but it is not so now. At present, the great majority of the claims having been already decided, the cases which Mr. Stephenson has to decide are principally upon the reports of the officers of the colonies; and, of course, as evidence is not taken, much less attendance, on the part of the Commissioner, will suffice. I am enabled to state to the House, on the authority of the other Commissioners, that not only is there no inconvenience experienced from the small extent of the attendance which Mr. Stephenson is now enabled to give; but that the business of the board has never been more effectually transacted than at the present time. The principle for which the Noble Lord contends, as I understand, is, that no salaried Commissioner should be allowed to hold two offices at one time, he receiving a salary from both; and that, for an Excise Commissioner to hold another paid office, is a principle that no previous Treasury Board had admitted. Now, I will confine myself to the department of the Excise, and refer to an authority for which the Noble Lord opposite (Lord G. Somerset) must entertain a great respect, — namely, a Return that was made during the period that my Right Honourable Friend the Member for Pembroke was a Lord of the Treasury. Now, I find, in the first place, that Lord George Seymour was appointed to the office of chairman of the Board of Excise Commission, while he held another office of great emolument, although the duties were very trifling, — the office of Chief Wharfinger of Ireland. Then the deputy chairman of the same Board of Excise, Colonel Sir T. Doyle, he also held, in addition, the office of Deputy Lieutenant of the Tower, at a salary of 765*l*. a-year; and that appointment was made in 1826, a time when the Noble Lord opposite was himself a Lord of the Treasury. Again, there was Mr. Greville, who had held the office of Comptroller of Excise and receiver of taxes for the county of Nottingham, — an office, the duties of which, above all others, should be performed in person: he enjoyed, in addition, the situation of Secretary for the Island of Tobago. But, I will not go beyond the department of Excise, — and the next name I find, is that of Mr. Finch Hatton, who, under the Administration of which the Noble Lord was a member, held the office of the inspector of teas in the Excise; — he filled, at the same time, the office of Commissioner of Stamps. Again, Mr. Jenkinson was Registrar of Excise — that is, registrar of the decisions of the board, when they sit judicially; also, a receiver of stamps, and Lieutenant of Dover Castle. Then there is the case of Mr. Wilmot, who was a distributor of stamps, in the Excise, at a salary of 1000*l*. a-year, and who held, in addition, the office of Receiver General of the Post Office, at a salary of 800*l*. a-year. All these appointments took place during the period in which the Noble Lord opposite held office. I quote these cases, not in defence of the principle, but to show that it is not one that has been introduced by the present Government; but that it was acted upon, in many instances, by their predecessors in office. I am quite sure, that when the papers shall be laid before the House, they will be found perfectly satisfactory to the Noble Lord, and that the pecuniary arrangement was made, not personally by me, but by a Treasury minute. I wish to produce all the papers connected with the transaction; and I will therefore add to the Returns for which my Noble Friend has moved, "a copy of any minute of the Board of Treasury in respect to the payment of any sums of money to Mr. Stephenson, as Commissioner of Arbitration since the appointment of Mr. Stephenson as a Commissioner of the Board of Excise, and in respect of the duration of the said Commission of Arbitration;" which I beg to move by way of amendment, in addition to my Noble Friend's motion.

Question put, "That those words be there added."

MR. GOULBURN. — As there is no objection to the production of the papers for which my Noble Friend has moved, I will not, on the present occasion, enter into any discussion upon the general merits of the case. But I cannot refrain from expressing my surprise that my Right Honourable Friend the Chancellor of the Exchequer should have thought it necessary to complain of the statement which my Noble Friend has made, in support of his motion. If my Noble Friend (Lord

G. Somerset) had merely brought forward the case, without stating grounds for so doing, he would have been open to the accusation of having submitted a motion for which he could not make out a case. My Noble Friend, therefore, was, in my opinion, fully justified in the course he has thought proper to pursue. My Noble Friend has stated, very explicitly and very accurately, the grounds of the charge against the Government; and I must, with all respect, add, that my Right Honourable Friend the Chancellor of the Exchequer has made a very feeble and insufficient reply.

[Cries of "Oh, oh!"]

I will state my reasons for saying so. If I correctly understand my Right Honourable Friend's argument, he does not deny that it is customary to allow to the Commissioners of Arbitration a certain amount of money, on account, in the month of October; and that when Mr. Stephenson applied to him, — he having been appointed to the Excise Commissionership in September, 1838, — my Right Honourable Friend considered that he was entitled to a larger proportion of remuneration, because the business of the Board of Arbitration, up to the middle of 1838, had been far more laborious than it could be from thence to the expiration of the Commission. I think this reply shows a sufficient reason for asking the grounds upon which the payment has been made. But the charge is, not that the Treasury have paid Mr. Stephenson for business done up to the middle of the year 1838, — important as every one admits that business to be; — the charge is, that, in 1839, Mr. Stephenson, being, in the mean time, in the discharge of his duty as a Commissioner of Excise, you (the Government) made him a further payment as a Commissioner of Arbitration. That is the charge; and to that, no reply has been given. The Right Honourable Gentleman has told us, that much inconvenience would have arisen if he had introduced, as the successor of Mr. Stephenson, at that subsequent period of the Commission, a stranger to the office. But Lord Glenelg guarded expressly against that contingency when he appointed Mr. Amyot, who was a man of great ability and talent, and in every way a most efficient person, and who had, moreover, been for some time acting at the board as an unpaid Commissioner. I therefore think, with Lord Glenelg, that Mr. Amyot was the person most calculated to supply the place of Mr. Stephenson; and, if he had been appointed, the country would have been saved a salary of 800*l*. a-year. But that was not done, and Mr. Stephenson was retained in his office, and is now receiving the double salary. The Right Honourable the Chancellor of the Exchequer has endeavoured to get rid of this by a sort of *tu quoque* argument, in saying that we (the Opposition) have done the same thing in our time. But the cases the Right Honourable Gentleman has quoted do not bear him out. Lord George Seymour certainly held the sinecure office of Chief Wharfinger of Ireland, in addition to the Commissionership of Excise. It was the custom, when those large sinecure offices existed, for them to descend in reversion to the children of the holders; and it was in that way that Lord G. Seymour held the office in question. Such was the custom at the period to which I allude. I am not maintaining that that custom was correct; I am merely showing that the sinecure office which I have named was given to the Hertford family — improperly perhaps — but like any other gift, — for length of service, or some particular cause. And the principle of sinecure offices was recognised by the Legislature, when they allowed compensation for the loss of them. But no analogy can be drawn between the cases of Mr. Stephenson and Lord G. Seymour; because, to the office which the latter held, when he was appointed chairman of the Excise Board, there were no duties attached. He had no occasion to go to Dublin, to attend to the duties of his office there; — he had, in fact, nothing to do.

[Cries of "Hear, hear!" from the Ministerial benches.]

But if Honourable Gentlemen opposite are now to make the holding of such offices by public servants in former days a plea for conferring upon persons a plurality of offices at present, they will inflict a far greater evil on the public than was suffered under the old practice; because, at that time, the duties of the one office were efficiently performed: but, under the system the Right Honourable Gentleman would introduce, the duties of the one office would so interfere with those of the other, that it would be impossible for the officer to perform either well. With respect to Colonel Doyle, who has also been referred to by my Right Honourable Friend the Chancellor of the Exchequer, the office of Lieutenant of the Tower, which he held, merely required that he should reside in the Tower during a certain part of the year. And I might argue that, while residing there, he (Colonel Doyle) was very near to his duties in the Excise Office. But it is also to be remembered that the Lieutenant of the Tower is an officer appointed, not by the Crown, but by the Governor of the Tower; and Colonel Doyle was appointed to that office by Lord Hastings, who was the Governor at the time. I will merely ask, on this point, — Parliament, in its wisdom, having thought fit to abolish sinecure offices, — are you now prepared to establish a new precedent, by giving to one officer two appointments and a double salary, when, as I maintain, it is absolutely impossible for that officer to perform the double duty? I will not enter further into the discussion of the subject until the papers shall be laid before the House.

Mr. HUME. — The Right Honourable Gentleman who has just spoken is perfectly right in saying that the Government have no right to put forward, as a defence for their proceedings, now, that those who preceded them acted improperly. But, as I understand the Right Honourable Gentleman (the Chancellor of the Exchequer), he did cause inquiry o be made into this matter directly it was pointed out to him. There are circumstances, however, connected with this subject, that, in my opinion, render fur- her inquiry desirable; but, until the apers shall be laid before the House, I do not think we can be in a condition to pronounce any opinion, either one way or he other. I think, however, that if, as as been said by the Right Honourable he Chancellor of the Exchequer, a Commissioner of Excise has sufficient leisure o enable him to perform the duties of nother office, it is a sufficient reason for educing the number of those Commis- oners. There are, now, seven Commis- oners in the Excise; whereas, I believe, at three would be found amply sufficient do the duty. I also think that the umber of Commissioners of Customs ight very well be reduced to three, and at the present number of Stamp Com- issioners might also very properly be re- ced by one half. There are now, I be- ve, in the three departments I have entioned, no less than twenty-two Com- issioners. I think that number ought be reduced to nine; and I am confident at the business would be much better ne by that reduced number of Commis- oners than it is at present; for I have ways found that the fewer the number persons in any office, the more effi- ently are the duties of that office performed. I believe that many of the appointments that have taken place in the various departments of the revenue, have been made on the ground of political influence, and not on the ground of fitness of the parties.

LORD J. RUSSELL. — As the facts connected with this case cannot be accurately collected from the statement of the Noble Lord, I feel called upon to address a few observations to the House. The Noble Lord opposite has stated, that Mr. Amyot was interfered with in his office by Mr. Stephenson. Now, what are the facts? The facts I understand to be these: — Mr. Stephenson at first stated, that he did not think he could go on with the business as a Commissioner of Compensation; and then Lord Glenelg appointed Mr. Amyot. But, upon further consideration, as the business of the Commission was proceeding to its termination, Mr. Stephenson thought that he could go on advantageously with the remaining business, to which he was accustomed, until the completion of the labours of the Commission. Upon this, a communication was sent by Lord Glenelg to Mr. Amyot, apprising him that his appointment was withdrawn. The Noble Lord has said, that intimation was not given to Mr. Amyot of his appointment being withdrawn till some considerable time after the appointment of Mr. Stephenson to the Board of Excise. Now, that was not the fact; for Mr. Amyot was informed, in the course of the same month, of the decision that had been come to. The Noble Lord was likewise wrong in observing that the decision in Mr. Stephenson's case was come to in October, 1839; seeing that, in fact, it was settled in October, 1838. Now, I do not agree with the Noble Lord in looking upon this case as the case of a person holding two offices. Mr. Stephenson had been appointed to a Commission, which had already gone through a very considerable portion of its business. It is an admitted fact, that Messrs. Lewis, Elwin, and Stephenson performed their duties as Commissioners of Compensation in a most effective manner. Compensation, involving an amount of 20,000,000*l*., has been efficiently settled between the years 1835 and 1840; and when I compare this with the delays involving all decisions respecting property in courts of equity and law, I consider that Lord Glenelg was perfectly justified in not deranging that Commission; but, on the contrary, in leaving them to go through with the remainder of the cases. Up to August, 1838, the number of contested cases disposed of by the

Commissioners, was 3853, and there remained only 1117 to be decided. The Commissioners had gone through a great part of their duties. The Noble Lord appears to suppose, with respect to those cases, that it was necessary that Mr. Stephenson should be always present, and that he must, consequently, neglect his duties as a Commissioner of Excise; but, in this, the Noble Lord is mistaken. With respect to disputed claims in the various colonies, deputy Commissioners were appointed to investigate those claims, and to report upon them. These Reports were drawn up with so much ability, and so much copiousness of detail, that they left the Commissioners little more to do than affirm those Reports. But with respect to many of those claims, there was very great difficulty, as different systems of law prevailed in various colonies, — the English, French, Spanish, and Dutch laws. A notion may be formed of the extent of the labours of this Commission, when it is stated that, in little more than three years, the Commissioners have determined claims to the amount of nearly 19,500,000*l.*; and, notwithstanding this amount of property adjudicated upon, in so many cases, not more than three effective appeals from these decisions were made to the Privy Council. Under those circumstances, Lord Glenelg thought that it would be far more beneficial that Mr. Stephenson, having performed his duties, hitherto, so efficiently, should be allowed to conclude the duties of the Commission, which were to terminate at the end of 1840. With respect to the statement of the Noble Lord, as to Mr. Stephenson receiving the salary, both as the Commissioner of Excise and of Arbitration, that was not exactly correct; because Mr. Stephenson, in the most proper manner, stated his readiness to perform the duties of a Commissioner of Arbitration, leaving it to the Chancellor of the Exchequer to give him any remuneration, or not, as he thought proper. As to what has been stated by the Honourable Member for Kilkenny, who seems to think that the public service is greatly neglected by the public servants, I feel bound to say, especially with reference to those who fill the subordinate stations, that, instead of reproaching them for not giving sufficient time to the public service, such is their zeal and assiduity, that I am often obliged to remark to them that they are actually ruining their health by the attention and exertion which they apply to the discharge of their duties.

LORD G. SOMERSET. — I do not by any means deny that the attention given to their duties by the subordinate officers is deserving of great praise. There is one point which appears, however, to be overlooked. It was provided by the Act of Parliament that the expense of this Commission should be annually laid before the House; but this the Chancellor of the Exchequer has neglected to do. I hope, in future, however, that this will not be the case; and that we shall have the accounts annually laid before us.

Mr. JOHN IRVING.—I feel bound to state to the House that I have had large experience of the manner in which these Commissioners have discharged their duties. I have been extensively engaged as a receiver of moneys, under the compensation fund, for parties abroad. I have been a receiver for the Crown colonies, and more especially for the Mauritius; and I feel it my duty to say that there never was a Commission whose duties were discharged with more ability, with greater promptitude, or with more decided efficiency, than were manifested by these gentlemen in dealing with, and adjudicating upon, the conflicting claims that came before them. I believe that no Commissioners could have more ably discharged their duty, or are more entitled to the thanks of the country at large. As a proof of the estimation in which they are held by the parties on whose claims they have adjudicated, I understand that it is the intention of those parties to present the Commissioners with a piece of plate, and also to present a memorial to the Government, stating that the remuneration they have received has been quite inadequate for the services rendered; and I am sure that this House will have no objection to authorise the Government to increase that remuneration.

The motion, as amended, was then agreed to.

ABOLITION OF THE PUNISHMENT OF DEATH.

Mr. Ewart presented a petition from Cheltenham, signed by 1319 persons, praying for the abolition of the punishment of death.

Similar petitions were presented by Sir R. Price, Mr. Aglionby, and Mr. Jervis, — from Cockermouth; Ross (Hereford); Bourn; Hanley and Shelton; Rickmansworth; and Chester.

Ordered to lie on the table.

Mr. EWART.—I confess I do not rise to address the House, on the present occasion, and to make the proposition of which I have given notice, without feelings of considerable emotion. I am urged o bring forward this subject by two con- iderations,— firstly, an increased convic- ion on my own mind of the soundness of he views I advocate; and, secondly, by the act that I know I am supported in them by nany of the best and wisest persons in the ingdom. I beg, at the outset, to declare hat, in what I have now to say, I totally iscard the religious view of the subject; eligion being, in my opinion, an unfit ubject to be profaned by the heat and nimosities of a political assembly. I hall also discard the abstract part of the uestion, as taken up by philosophic riters on various occasions. I shall set ut with this proposition, that society has right to inflict such an amount of punish- ent for crimes as is necessary for the fety and preservation of the state;—and o more. This extent of punishment is, erefore, a quantity varying according to mes and circumstances; and what I ow would beg the House to consider is, hether the punishment of death, in ex- eme cases, is now justified by the crite- on I have just set forth. I will beg, at ce, to turn to the statistical view of this uestion; and endeavour to show that the itigations which have, at various pe- ods, been made in the severity of the iminal law, have not tended to the in- ease, but rather to the diminution, of e particular crimes to which that miti- tion has been applied. In the metro- lis, in the ten years antecedent to the st ten years, there were 221 persons crificed to the sanguinary laws that isted at that period; whilst, in the last n years, the number of executions has en only 21; and yet society is in a ore secure state. The House will re- llect that, in 1833, a considerable miti- tion of the criminal law took place; d the result was, that whereas, in the e years ending in 1833, the number of ecutions in England and Wales was 9; in the five years subsequent they re only 99: and to show that, contem- raneously, crime had not increased, I ll add, that, in the latter period, the mmittals for capital offences were 650 s than during the former period. In ndon and Middlesex, the effect was ll more surprisingly manifested; for hilst, in the three years ending 1830, the mber of executions had been 52, in e three years ending in 1836 there had en none. During the same period, so, the committals had diminished by 127. By the Bill of 1837, introduced by the Noble Lord the Member for Stroud, capital punishments were still further diminished; and the result was, that, whilst in the three years previous to 1837, the number of executions had been 85, in the three years subsequent they had been only 25. During the same period, also, the committals had decreased by 115. I will now proceed to show that the mitigation of punishment, as well as its total abolition, was accompanied by a due degree of effect in the diminution of crime. In respect to murder, which is now almost the only crime punishable with death, whilst, in former years, the average of executions in England and Wales was 15 every year, in later years, since mitigatory punishments have been applied, they have only been 7 in a year; and it further appears that, during the same periods, the average offences of this kind have diminished in the proportion of 64 to 70. This is the result in England and Wales; but, in London and Middlesex, they have fallen to the fourth part of what they were before. By a Return, which has been laid before the House within the last few days, as to the effect of a commutation of punishment in the offence of murder, the following gratifying result appears, — that, in nineteen counties, where, during five years, a mitigated and commuted punishment has been applied, the cases have been no less than 39; but that, in no single instance, has such mitigation been followed by an increase of crime in the following year; but that, on the contrary, the committals generally fell from 83 to 33. The next point I have to show is, that milder punishments are followed by greater certainty of punishment; and this principle has been laid down both by Sir W. Blackstone and Sir S. Romilly. To show this, I will refer to four crimes, to which the milder punishment has been applied by the Act of 1837,—namely, burning, attempts at murder, cutting and maiming, and robbery and burglary. In these offences, the number of committals has considerably increased, in proportion to what they had been during the twenty years previous, — in some cases nearly in a proportion of two to one. By a Return laid before the House during this week, it appears that, during a similar period, before and after the Act of 1837, whilst the executions had decreased from 85 to 25, the number of convictions had increased from 1536 to 1788. In murder, also, in particular, whilst, in the twenty years ending 1835, the number of executions had been 15, and the convictions 25, in the three years ending 1838, the executions had only been, on an average, 7; whilst the convictions had increased. I might go into many more details of this kind, but I do not consider it necessary. Indeed, the difficulty has been, with me, not to find matters in support of my case, but to make selections.

I will now beg briefly to draw attention to the case of France. The present enlightened King of that country, shortly after his accession to the throne, declared himself an enemy to capital punishments; and, in consequence, they have been considerably diminished. The effect on the offence of murder has been, that, whereas, in the two years ending 1837, the number of offences of this kind had been 124, in the two years subsequent they have been only 83. During the same periods, the convictions have increased in the proportion of 68 to 50. In Belgium, also, the same principles of leniency have been applied with similar results. In the four years ending 1829 there had been seventeen executions for murder; during the four years ending 1834 there has not been one; yet offences of this description have decreased from 45 to 41. But this is not a question involving the experience only of modern times; the principle of leniency had been acted upon before the end of the last century, and most successfully, by Leopold, Duke of Tuscany; and it stands recorded in his edict, that the effect of the abolition of capital punishments had led almost to the cessation of crime; that minor offences had considerably diminished in number, and that the more serious offences had become very rare. Subsequently to the French revolution, the punishment of death was again introduced in the Tuscan States; but we have the authority of a minister of that country for the fact, that the crime of assassination had been much more rare during the period of the suspension of capital punishments than it had been either before or after it. I will also refer to the splendid instance of the success of principles of leniency displayed during the seven years that Sir James Mackintosh was Judge of the Supreme Court of Bombay. It appears, from the farewell address of that great man, that, during the seven years he had presided over the Supreme Court at Bombay, 200,000 men had been governed for that interval without the infliction of capital punishment in a single case; and that the gratifying result was, that crime had very considerably diminished. I could adduce similar testimony from Sir C. Metcalfe, respecting another part of India, who, at Delhi, in 1835, stated that the punishment of death had never been inflicted, even in cases of murder; as to which the certainty of a severe punishment had operated more effectually than the possibility of capital infliction, the most uncertain punishment of all. But apart from these considerations, I must refer to the demoralising and unchristian-like effects produced upon the minds of the multitudes who are spectators of capital punishments. It is notorious that executions are scenes of profanity, impiety, and ribaldry, such as no other event in civilised society gives rise to; and when the effect of these "Saturnalia" upon the mind of youth is considered, I would ask, will you, and for what good purpose, continue such exhibitions? The effect upon criminals, it is proved, is to harden and brutalise, rather than deter by terror. I have the testimony of a very respectable clergyman for this fact,—that of 167 malefactors whom he had attended preparatory to their execution, 164 had been frequently present at executions. I mentioned this fact to Mr. Brewster and Mr. Cotton, of Newgate, and their own experience they stated to be similar. And it appears generally to be the case, that it is very rarely any person is executed who had not been frequently present at exhibitions of the kind. So much for the effect of example in deterring from crime.

I would remind Honourable Gentlemen that many, if not all, the great names of this country were the friends of mitigation of this punishment. Dr. Johnson,—the last man to be led astray by mere theory.—Burke, Canning, Wilberforce, Mackintosh, Pitt, and Romilly, all these men as remarkable for their enlightened understandings as for the largeness of their hearts and their benevolence of feeling, advocated a change in our criminal code. With these facts and authorities against them, the *onus probandi* of showing that the present system should be maintained lies on the supporters of capital punishment. I must be permitted to ask, why abolish capital punishments in other cases, and retain them in those to which they still apply? The abolition, in the former case, took place in consequence of the demand of public opinion; and the public voice in favour of abolition is not less strong when executions have become more rare. In former times, their frequency familiarised the minds of the people to them. The disgust at such spectacles is now increased in proportion to the fewness of them. But are we not in a better state for abolishing capital punishments now than we were many years ago? We have now an improved police, as well as an improved civil discipline; and we have extended far more largely than in former times the benefits of general education. These are so many safeguards of person and property, so many securities against violence and disorder. Why, above all, continue this punishment in the case of murder, the only case in which, virtually, it is now retained? The person who commits the dreadful crime of murder does so either from calculation or impulse. It may be generally concluded that the crime in most cases results from impulse. But take either of the two points of the dilemma. If the murderer acts from calculation, it is plain that capital punishment will not restrain him; for his very deliberation shows he sets it at nought. If the act, on the contrary, proceeds from impulse, it is plain that the person guilty of it overlooks the consequences of his deed. But the Noble Lord (Lord J. Russell) may, perhaps, maintain, that before we proceed to the abolition of this punishment, we ought to have a substitute for it. I do not think this objection should stand in the way of the recognition of the general principle involved in this motion; for, suppose the abolition were at once resolved on, we could immediately find a substitute in imprisonment and transportation, and a substitute, too, as strong and effectual as exists in many foreign countries. It is the nature of the present punishment, and its irrevocable character, where it happens to be wrong, which shock the public feeling. Hence it is, that the juries of the country, which have been called the conscience of society, would object to bring in a verdict which would subject the party to death, when they would have no hesitation in inflicting what we might consider a more severe, but not irrevocable, punishment. The whole course of our present proceedings is swayed by the constant action of public opinion. From the commitment to the execution, the public feeling against capital punishment, goes to mitigate the sufferings of the offender before sentence is pronounced upon him. In the first place, the prosecutor is unwilling to prosecute, the witnesses to come forward, and the jury to convict. The judge may then have scruples as to a sentence involving this punishment; but when, having passed all these stages and interruptions of public justice, occasioned by the dislike of society to capital punishment, they arrive at the final decision for execution, even then the Home Office is besieged, petitions are crowded into this House, and, as a last resort, the Crown, itself, is petitioned for pardon. How can we continue the sanction of the old, obsolete spirit of revenge in this punishment, when all the late changes in our criminal law show we are bent on introducing a system of repentance and reform? My main argument rests on the sacred inviolability of human life. How can we expect the people to turn away from scenes of bloodshed that are constantly exhibited to their eyes? Let us abolish punishments of a dreadful description, and we shall abolish crime. Let us humanise our punishments, and we shall humanise the people. The practical operation of such a principle in legislation would guard the people equally against the evils of tyranny and disorder. Other states have partially and temporarily abolished capital punishments. Our nation should be the first to effect a change worthy of its character for morality and Christianity. Impressed by these feelings, I call on the House to resign that awful attribute of disposing of human life into the hands of HIM who gave it. I beg, now, to move the following resolution, — " That it is expedient that the punishment of death should be abolished."

. Mr. HAWES. — I beg to second the motion.

LORD JOHN RUSSELL. — I am most ready to pay my tribute of respect, both to the motives which have actuated the Honourable Member in bringing forward this resolution, and to the ability which he has displayed in support of it; but, in so doing, I must state, with regard to the object the Honourable Gentleman has in view, that, in my opinion, he has not taken the proper course to effect his views, by moving a resolution upon the subject. In a matter of such great importance, the proper course to have taken would have been the ordinary course of asking for leave to bring in a Bill, so that the subject might have received the grave attention of the House. If the Honourable Gentleman should succeed in his legislation, he would have attained his end; but if the Bill were thrown out, there would have been a regular decision of Parliament upon it. Now, if this resolution should be carried, in so thin a House, while the hands of the judges, and of the Executive, would be considerably weakened, — while, in fact, no real step would have been taken,— the resolution would remain on the books to be pointed out, with great popular effect; but neither the judges, nor the Executive, would feel themselves bound to depart from the letter of the law. With respect to the motion itself, I certainly am very unwilling to enter into a discussion of the question, generally, against those arguments which have been adduced in favour of the abolition of capital punishment. Long prior to the present time, I have thought that the punishment of death should be very much diminished, and capital crimes in our statute book greatly lessened. I received those notions while sitting as a member of a Committee presided over by Sir James Mackintosh; and again in another presided over by Sir Samuel Romilly; and, with regard to the effect of the statistical details to which the Honourable Member has referred, it is so far consolatory, that they show the House that, in what we have hitherto done, we have not acted imprudently,—that the crimes for which the punishment has been lessened have not increased, and that the mitigation has not rendered less certain the infliction of punishment. Whilst these statistical statements prove thus much, I do not think that we are enabled to infer from them, that if we were to go on to abolish the capital penalty with respect to greater crimes, and more especially with respect to the crime of murder, the effect would be the same. It is to be remembered, that the crimes of sheep-stealing and larceny, and other crimes which were formerly punishable by death, are looked upon by the people as of a comparatively trifling nature, and greatly disproportioned to the punishment; but it is quite different with respect to the crime of murder, which excites the utmost horror in the public mind. The Honourable Gentleman has brought forward an argument, in which he is not at all borne out. "The crime of murder," says he, "proceeds either from calculation or impulse; and if from calculation, the existence of such laws shows that they are inoperative." Why, the same argument might be used as to any crime. It might be said, with regard to an offence to which the slightest punishment is affixed, that that punishment was improper, because the deed was continually committed; and it is therefore evident, that the offender from calculation is not deterred by the punishment resulting from his transgression. This argument does not, certainly, lead to the conclusion, that the present punishment ought to be abolished; for the Honourable Gentleman will hardly contend that the crime of murder could be at once done away with: and, so long as crime should continue, the same view would be urged against any substitute which the Honourable Gentleman might propose; and it would be said that it failed of its effect, because the crime still continued. But the real question is, whether the number of persons deterred by the fear of the punishment of death, from committing murder, at the present day, is greater than it would be if that penalty were abolished? This is a difficult question to decide: but my own opinion is that it is; and, therefore, is in favour of the salutary impression produced on that portion of society who are likely to be influenced by such considerations. This conviction is founded on my own observation of society; and though, of course, its correctness is incapable of strict proof, yet I believe it is in unison with that of the most deserving and best informed individuals. We know, Sir, that individuals likely to commit the act of murder are aware that the penalty of death is fixed by law; that the juries by whom they are to be tried will not be likely to sympathise in their crime; and that, if convicted, an unpitied and certain fate awaits them. Take the case of Greenacre, for instance. Was there any sympathy observable in the public mind in his case? There is, at all times, a certain portion of the community opposed to the infliction of the punishment of death, from conscientious motives; but, with that exception, the general feeling, in his case, was, that the murderer was justly and properly punished with death, in order to deter other persons who might be tempted to commit similar offences. But the word "murder," in our language, comprises offences of very different magnitude; and I wish it were possible to frame a law by which the more atrocious cases could be distinguished from offences more nearly approaching to manslaughter. There are cases which have come under my consideration, in which, though a verdict of murder was found, the crime was obviously different from deliberate murder, committed from deep-seated revenge, and malignant passions, the hope of gain, or the execution of a plot and conspiracy to plunder; and, by taking away the life of the victim, thereby destroying the evidence of the crime. I should rejoice if I could come to the conclusion, that society would be protected against such crimes, by not taking away the life of the offenders; but, if I thought that I should be leaving the innocent portion of the community more exposed, and increase the number of victims, by such a change of the law as is now proposed, it would be unwise in me to assent to the proposition of the Honourable Gentleman. Let the

House recollect that we have made, in the course of no great number of years, an immense change in the character and severity of punishments. In 1818, the number of persons executed in England and Wales was 97; in 1828, it was 59; in 1838, only 6; being one tenth of the executions in 1828, and one fifteenth or one sixteenth of those in 1818. Now, this is an immense change to effect in a country, in the short space of twenty years, in favour of humanity, and, as I think, of moral improvement. And when my Honourable Friend says that the spectacle of public executions brutalises and demoralises the people, I think that this change in the number of executions makes a great difference in that respect; and that, though the frequency of such spectacles may be said to brutalise and demoralise the people at large, yet, when executions are reduced to a small number, the effect may, in the end, be more salutary, and the solemn award of the law make a grave and serious impression. The Honourable Gentleman says, that the persons who go to see executions often indulge in disgusting gaiety on those occasions. I cannot dispute this fact: but I cannot believe that the executions themselves have the effect of encouraging such a disposition; but, on the contrary, I think, that if that feeling were not manifested on those occasions, it would be manifested in other places. Whatever, at the same time, may be my opinion, with regard to the total abolition of capital punishment, I am far from saying that I indulge no hope that the condition of society may not, hereafter, be so much improved, and that the aversion to blood may not gain so much strength, that we may be enabled, at some future time, without danger to the innocent inhabitants of this country, entirely to abolish the punishment of death. I do not think, however, that, at the present time, the effects of such a measure would correspond with the expectations of the Honourable Gentleman; and I put it to him, and to the House, to consider the peril that would attend an unsuccessful experiment on such a subject. The Honourable Gentleman has told us — and it is a great satisfaction to me to know it — that the friends of humanity, and the enemies of capital punishment, have no reason to regret the experiments hitherto made; but serious danger might ensue, if capital punishments were entirely abolished. Some cases of atrocious murder, some revolting offence, might occur, occasioning a revulsion of public opinion, and a hostility to the entire abolition of capital punishments — arising from an impression that we had gone too far — which would throw us back again, perhaps farther than the point from which our humanity had started, and render it necessary to restore the punishments we had abandoned. For these reasons, I cannot agree, at once, to a resolution in favour of the abolition of capital punishment. I regret to be obliged to come to a decision that may appear opposed to the feelings of so large and humane a portion of the community as I believe to advocate the principle involved in this motion; but I think it better rather to pause, than to decide at once upon so important a question.

DOCTOR LUSHINGTON. — Sir, I agree with my Noble Friend that it would be better to proceed, in this matter, by legislative enactment; and I am clearly of opinion that any motion on this subject should be for leave to bring in a Bill for the abolition of capital punishments; and I shall conclude with moving an amendment to that effect. I will now address myself to some of the arguments of my Noble Friend against this motion. There is a considerable body of persons in this country who hold that it is contrary to the law of God to execute for any offence at all. With that theological argument, however, I have nothing to do; my argument to the House of Commons will be founded upon very different grounds. I see no reason for any punishment, but the prevention of offences and the reformation of offenders; and I will take, first, the argument in favour of capital punishment for murder to be, that it prevents the offence. Now, what says my Noble Friend on this head? My Noble Friend has referred to the fact of the readiness of juries, at present, to convict, and rests his argument on that single ground. I agree with the Noble Lord, as to this fact; but I draw from it a very different conclusion. I believe that it is one of the worst effects of our present system, that if you show to a jury the atrocity of an offence, there is a disposition, generally, to convict, whatever the offence may be. I have been told, by one of the most learned judges on the Bench, Mr. Baron Gurney, that, in proportion to the atrocity of the offence, there is always a facility of conviction. But in those very instances where conviction is easy it may, perhaps, be obtained by defective evidence; and, although the feeling of juries may be in favour of conviction, that, certainly, is not the feeling of witnesses. No witness ever comes up to the box to give testimony, in a capital case of murder, who

would feel themselves bound to depart from the letter of the law. With respect to the motion itself, I certainly am very unwilling to enter into a discussion of the question, generally, against those arguments which have been adduced in favour of the abolition of capital punishment. Long prior to the present time, I have thought that the punishment of death should be very much diminished, and capital crimes in our statute book greatly lessened. I received those notions while sitting as a member of a Committee presided over by Sir James Mackintosh
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testimony as we have." Let it be proved that it is for the benefit and protection of the people of this country that capital punishments should exist, and I will say that, although it is, indeed, a calamitous state of things, yet I am under the painful necessity of sacrificing life for the chance of protecting the community. But where is the proof that such is the case? The evidence is the other way. Not many years ago, our scaffolds were deluged with blood, and the people, from day to day — from hour to hour — were brutalised by the spectacles of execution. By slow, and very slow degrees, gradually, capital punishments have been abolished; and I ask, has the experiment failed? Has it not, on the contrary, been crowned with great and signal success? We have thereby prevented impunity for crime, protected the innocent, and saved the country, to a great extent, from those brutalising spectacles; for, let my Noble Friend say what he will, no execution takes place in England, at which it does not happen that a number of persons are prepared and hardened for the commission of fresh crimes.

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[Cries of "Hear, hear!"]

There is not an individual, now, who refuses to prosecute; no witness hesitates to come forward; and forgery, comparatively speaking, has ceased in the city of London. If we make an experiment upon the good feeling of the people of England, in favour of human life and humanity, why should we be afraid that they will turn round upon and blame us for making such an attempt? What is the public feeling, now, with respect to executions? Is there ever an execution takes place, for whatever crime, that the respectable people of the neighbourhood in which it is to occur do not remove their wives and children out of the way, for fear they should be disgusted, shocked, and demoralised at the sight? If, then, the House refuses to abolish the punishment of death, will it not, rather, have the people against it? It is true, as the Noble Lord has said, that the feeling with which people hear of the commission of any offence is in proportion to the measure of the atrociousness of the offence; and that the true way to extinguish crime is to prevent it. Let the House keep its eye on that truth; but, on what principle it can be maintained, that, if we abolished the punishment of death for murder, more murders would be committed, I confess I am at a loss to tell. It is said that there would be no control, in that case, over persons who were determined to commit this horrible crime; but all this depends on a question which, would to God, the House of Commons would more seriously and earnestly entertain. If we wish to

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My Noble Friend says that if we depart from the present system at once, we may run the risk of failure and of having public opinion and prejudice against us. But what of that? Have we not been fighting against prejudice for years, on many other points, and with success? The same argument was used against us when, after having had our tables loaded with petitions upon the subject, we abolished the punishment of death in cases of forgery. We were told by the bankers and merchants of London, that property would be more insecure than ever, and that the crime of forgery would be greatly increased, if we passed the Bill to abolish the capital punishment for that offence. But what has been the consequence of that measure? I, not long ago, put that question to one of the most eminent bankers in London, and his answer was, "We know of no such thing as forgery, now, in the city!"

[Cries of "Hear, hear!"]

There is not an individual, now, who refuses to prosecute; no witness hesitates to come forward; and forgery, comparatively speaking, has ceased in the city of London. If we make an experiment upon the good feeling of the people of England, in favour of human life and humanity, why should we be afraid that they will turn round upon and blame us for making such an attempt? What is the public feeling, now, with respect to executions? Is there ever an execution takes place, for whatever crime, that the respectable people of the neighbourhood in which it is to occur do not remove their wives and children out of the way, for fear they should be disgusted, shocked, and demoralised at the sight? If, then, the House refuses to abolish the punishment of death, will it not, rather, have the people against it? 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Whatever we may do for the prevention of crime is safe and sure as a gradual means of extinction; but the severe punishment of crime is found to go but a small way in deterring from the commission of it. I agree with my Noble Friend as to the dreadful effects of frequent executions, and I agree with him, too, that the public mind is thereby greatly brutalised and debased. This is unquestionably true. For what is the case when an execution takes place now-a-days? If it is in the country, the lowest kind of people come from one end of the district to the other to witness it; they become familiarised to the sight of blood; and it is mischievous in the highest degree. The Noble Lord says, that this evil is greatly reduced, now that executions occur so seldom. But the mischief which ensues — now that there are, as the Noble Lord has shown, only about six executions in the year — is, in proportion, worse than when they occurred more frequently, if the effects I have just mentioned are the consequences of them; — if, as I have said, the lowest classes of society still flock to these spectacles, and indulge in the most horrid depravity. Look at the case which occurred the other day, in which a woman went to witness an execution, and in the very following morning committed an act of the grossest perjury. I am ready to maintain that every execution does harm; that it defiles the purity of the well-disposed and innocent portion of the community, while it renders the impure still more depraved and demoralised. It is well known that there have been cases in which persons have attended executions for forgery, and have gone and committed similar offences within forty-eight hours afterwards. 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The question is one of reasoning and calculation, and one on which we are bound to come to no hasty conclusion. We are called upon to consider whether the punishment of death is the only sure means of diminishing the crime of murder. My own opinion — and it is formed on no hasty grounds, and not without serious and mature deliberation, though I had not intended, previously to coming down to this House, to have occupied your time by its expression — my own opinion entirely concurs with that of the Noble Lord. Such being the case, I will take the liberty of making a few observations on the arguments which have been so ably and so eloquently adduced by the Right Honourable and Learned Gentleman in support of his view of this question. I will state to the House the grounds on which he has failed to satisfy me either of the humanity or policy of the measure which he has proposed. He began by telling us, that he fully agreed with the Noble Lord that the crime of murder stood on an entirely distinct and different footing from all other crimes; and that, from its atrocity, there was not that unwillingness on the part of juries to convict as in other offences. He said, that the shocking and fearful nature of the charge which was brought before them for their decision, and the revolting circumstances which the evidence unfolded to them, caused a feeling of hatred and detestation against the prisoner — the most dangerous and improper. Experience certainly proves it to be true, that when the circumstances are more than usually aggravated, there is less reluctance on the part of jurors to convict offenders. On this account, the Learned Gentleman contends that parties charged with the crime of murder are more often improperly convicted than for any other offence. If this were true, however, — and admitting it to be an evil of no slight nature, — the Right Honourable and Learned Gentleman himself adduced an argument which proved that its injury is counteracted. He says, that jurors are so affected by their feelings of horror that they are ready to convict on any evidence; but he says, also, that witnesses, who are aware that the life of a fellow creature has been barbarously taken away, come before a jury with no such horror of the crime, — no such thought or feeling of compassion for the individual thus suddenly bereaved of life, or for the distress and agony of his family, — but looking only at the punishment which, in all probability, will be inflicted upon the unhappy culprit. This argument, I confess, I cannot understand. If we are to suppose that jurors actually come to their decision and send the prisoner to the scaffold actuated by a willingness to convict, I cannot understand on what principle it is that we are to suppose that the witnesses are influenced by entirely opposite and different feelings. It is only possible to judge of the feelings of another by the feelings of oneself; and, for my own part, I should say, that if I were placed in the position of a person whose bounden duty it is — as I believe it is the wish of every person so situated — to blend mercy with justice, I should feel, in a much greater difficulty, in a case involving criminal punishment, were I in the position of a juror, than in that of a witness solemnly sworn to tell the truth, the whole truth, and nothing but the truth. The Right Honourable and Learned Gentleman further says, that judges are influenced by similar feelings, and that the punishment is sometimes improperly acted upon, the crime not being proved by the evidence brought forward. I, however, cannot readily believe that this can be the case. To get rid of this supposed evil, the Right Honourable and Learned Gentleman proposes to remove and altogether abolish the punishment of death; and he asks the House to make an experiment in favour of human life. Now, this seems to me to be entirely begging the question. Whether the experiment be in favour of human life, or whether it be opposed to human life, depends altogether upon the success of the proposed change. If it should turn out, that it gave encouragement to the fearful crime of murder, so far from being favourable to human life, the Right Honourable and Learned Gentleman must himself admit that it would be strongly and decidedly unfavourable to it. The Right Honourable Gentleman is now an advocate for the remission of capital punishment in all criminal cases; and I have listened with great attention and pleasure to the arguments which he has brought forward in support of his views; but I think that there is some difference, and also some inconsistency, between the arguments now adduced by him and those he has adopted on previous occasions. The House will remember that when, formerly, he supported the abolition of capital punishment for robbery in dwelling houses, the Right Honourable and Learned Gentleman used this argument:—"that, in consequence of the similarity of the punishment for that offence and the deeper and more heinous crime of murder, the law gave to the criminal an inducement to the commission of the latter offence." This was the argument then used by the Right Honourable and Learned Gentleman, and a most forcible and conclusive argument it was. But I would now ask the Right Honourable Gentleman to look how that argument operates with respect to his present proposition. I have lately seen in the newspapers an account of a murder committed under most aggravated circumstances, the sole object of the murderer doubtless being to obtain possession of the property of the murdered man, who was an humble cottager. As the law at present stands, if the robbery alone had been committed, and the party robbed left uninjured, the punishment by death would not be inflicted. There could be no stronger temptation to murder than if the law were to give the same punishment to the murderer as to the robber, and to visit equal penalties on very different and far less criminal offences. By the proposed change, my belief is, that we should, instead of preventing murder, be holding out the strongest inducement for its more frequent occurrence. By the doctrine of the Right Honourable and Learned Gentleman, he takes away the natural feelings of mankind, from that maxim which has been given to us by the highest authority, that " Whoso sheddeth man's blood, by man shall his blood be shed." It is principally, then, for these reasons, that I am induced to concur with the views held on this subject by the Noble Lord. I come to this conclusion from the conviction—a conviction arrived at by the application of my best intellects to this important subject—that, by the remission of the punishment of death for murder,—the single case we are now called on to consider,—we should run the risk of augmenting and increasing that fearful crime,—of creating through the country the repetition of that offence, thereby lowering, degrading, and brutalising the feelings of the community.

Mr. HOBHOUSE.—The speech of the Right Honourable and Learned Gentleman who proposed the motion on which we have now to express our opinions, is, in my opinion, so learned, so able, so eloquent, and so convincing, that any observations from me must appear to be altogether useless; but I cannot refrain, notwithstanding, from making a few observations on the speech of the Right Honourable Gentleman who has just sat down. That Right Honourable Gentleman has attacked the proposer of the present motion with some inconsistencies in the arguments he has brought forward. I think, however, Sir, that he was himself guilty of equal, if not of greater, inconsistency. I fully agree with the Right Honourable and Learned Gentleman that it is advisable for all parties, in cases like the present, to avoid reference to religion; but, as the Right Honourable Gentleman opposite has quoted scriptural authority, I feel myself bound in some measure to answer him. He said, in the words of Scripture, that " whoso sheddeth man's blood, by man shall his blood be shed." But I contend we cannot—that it is not intended that we should—take that text in so perfectly literal a sense, as that we should apply it at all times and in all cases. The object of that text was to remind us of the punishment which awaited the first murderer; and that, I think, is a sufficient answer to any argument to be derived from that quotation. In the next place, the Right Honourable Gentleman has told us that it would be a great encouragement to crime if there were no greater punishment for murder than for robbery. I have yet to learn, however, that there could only be one punishment, if that of death were abolished. I have yet to learn that, exclusively of capital punishment, there is only one class of punishment; and that, if the punishment of murder was not death, it must be the same as the punishment for robbery. I have yet to learn that there is no gradation of imprisonments, no gradation of the terms of transportation.

This argument, then, of the Right Honourable Gentleman, I consider, has entirely failed him. With respect to the observations of the Noble Lord, I am well aware how unpalatable statistical information is to the House; yet, as there is no other mode of answering the objections he has made to this motion, I trust that it will excuse its production. The Right Honourable Gentleman, adopting the remarks of the Noble Lord, contends that juries are not less willing to convict, in cases of murder, because the punishment is capital. Unhappily, the examples are so few of the entire abolition of capital punishments, that we have no data precisely to the point. But taking the next best evidence, that which is founded on the effects of a commutation of the sentence of death, I find reason to differ from the Noble Lord. Not only, Sir, have the convictions for murder increased, as the capital sentence has been less frequently carried into effect, but the House will learn with pleasure that the commitments for that offence exhibit, under the same circumstances, a material diminution. From a Return lately laid on the table of the House, this last fact is apparent. In the five years ending with 1838, the commutations for murder were no fewer than 39, occurring in nineteen counties. The commitments for murder, in the same counties, during the years of commutation, amounted to 88; while, in the years next succeeding the commutations, respectively, they were only 33. So far is remission of capital punishment from increasing murders, that they have diminished to this vast extent under its influence. Coming, now, to the verdicts of juries, as to which this paper affords no evidence, I affirm, in opposition to what has fallen from the Noble Lord, that convictions for murder have increased as the execution of the capital sentence has diminished. May we not, therefore, infer that the abolition of the punishment of death would be attended with the same effect as its commutation? Sir, this point is remarkably illustrated by the Returns for London and Middlesex. In the twenty-one years ending with 1830, all the persons convicted of murder were executed, without a single exception. In this period, the proportion of convictions to commitments was 18 per cent. In the following eight years, ending with 1838, only one half of those convicted suffered death. What was the effect on juries? Why, the proportion of convictions, which before was but 18 per cent., now rose to as much as 82 per cent. If, then, the commutation of the capital sentence has had a beneficial influence in disposing juries to convict for murder, why not the abolition? I think, then, that the time has now arrived, considering the free state in which we live, when we might repeal the fearful punishment of death. I have seen the benefits which have been derived, and the good effect produced, by diminishing the rigour of the criminal law; a boon to the country granted by the Noble Lord himself: and if we consider the nature of the punishment of death, and the effect produced on the multitude, by its execution—when we uniformly find that the feeling which is aroused among the spectators and witnesses of the awful scene, when the last and the most severe penalty of the law is carried into effect, is not merely one of horror and of fear, but one by which they become more hardened, and acquire a taste for blood,—surely the time at length has come when this punishment ought no longer to be continued.

But there is another view of the subject, which has not been taken, and which I am desirous of impressing upon the feelings of the House. If we decide that death is no longer to be a punishment for murder, it will show the country the sacred estimation in which we hold human life. If the experiment were made, I feel the greatest confidence that it could be made with safety. I hope that I shall not be considered pedantic if I refer to one example of antiquity—so bright an example, indeed, that when I reflect on the wisdom of the passage which I am about to quote, it is with difficulty I can believe that it was written two thousand years ago. The Right Honourable Gentleman opposite, who is the representative of one of our universities, may remember, that, in the history of Thucydides, it is recorded that the punishment of death was about to be inflicted on the inhabitants of Mitylene.

[Cries of "Oh, oh!" and laughter, from the Opposition benches.]

The Honourable Gentlemen opposite seem to despise the lessons of antiquity. I am surprised at this, for I have always understood that the great Conservative doctrine was founded on obedience to, and reverence for, the opinions of our ancestors.

[Laughter.]

I, however, will proceed with the narrative, as contained in the history,—from which it appears, that——

[Cries of "Read it in Greek!" and laughter.]

Honourable Gentlemen need not be afraid; I am not going to quote Greek. The passage I refer to occurs in a speech of Diodotus, the whole of which applies very well to the question of capital punishments. The Athenians, whom the orator addressed, had, in a transport of passion, decreed sentence of death against the citizens of Mitylene, for a revolt. But, the question being a second time submitted to the people, it was resolved not to execute the sentence. Diodotus, opposing the punishment of death, is thus reported to have spoken by the profound and eloquent historian: —

> For we contend not now, if we be wise, about the injury done by them, but about the wisest counsel for ourselves. For how great soever be their fault, yet I would never advise to have them put to death, unless it be for our profit; nor yet would I pardon them, though they were pardonable, unless it be good for the commonwealth. And, in my opinion, our deliberation now is, of the future rather than of the present. And whereas Cleon contendeth, that it will be profitable for the future to put them to death, in that it will keep the rest from rebelling; I, contending, likewise, for the future, affirm the contrary. * * * I say, therefore, that death hath been in states ordained for a punishment of many offences, and those not so great, but far less, than this. Yet, encouraged by hope, men hazard themselves. Nor did any man ever yet enter into a practice which he knew he could not go through with. * * * For men have gone over all degrees of punishment, augmenting them still, in hope to be less annoyed by malefactors; and it is likely that gentler punishments were inflicted of old, even upon the most heinous crimes; but that, in tract of time, men continuing to transgress, they were extended afterwards to the taking away of life; and yet they still transgress. And, therefore, either some greater terror than death must be devised, or death will not be enough for coercion. For poverty will always add boldness to necessity; and wealth, covetousness to pride and contempt.

Now, the question, Sir, as stated in this passage, is the question which we have to decide; and I would be contented to have it decided on the grounds therein taken. The question is, not whether the criminal deserves the punishment, but whether the punishment, on the whole, tends to prevent a repetition of the offence. The public mind is now accustomed to have public executions withdrawn, and the time is most opportune to advance one step further, and to abolish capital punishment altogether.

Mr. PLUMPTRE. — I merely rise to say, that I voted with the Honourable Gentleman in 1837, though, I own, with some doubt and difficulty, when he proposed that death should cease to be the punishment for any crime except murder; but, as he now proposes that capital punishment should be abolished for murder also, — a proposal of a very different nature, — I am compelled to disagree with him, and feel bound to vote against that motion.

Mr. MUNTZ. — I wish, Sir, to be permitted to say a few words on this subject; and I will first state, that I altogether agree with the accomplished author of *Paul Clifford*, that the worst use you can make of a man is to hang him. From conversations I have had with different persons upon this subject, and from some of the arguments which have been used against the motion of the Right Honourable and Learned Gentleman, the punishment of death seems to be defended upon the principle, that it is inculcated in a divine ordinance, transmitted to us by divine authority. But if this argument is to hold good in the case of murder, why not assign to adultery, and many other crimes, the punishment which the same divine authority awards to them? But, Sir, we live in different times from those in which these divine ordinances were inculcated, and under a system that does not demand the return of evil for evil, unless some imperious cause or urgent necessity call for it. But the punishment of death is not the severest punishment which you can inflict upon man. There are daily instances to the contrary; as in cases of suicide, which are caused by a fear of life, not by a fear of death; or, again, in the cases of those who, having taken away the life of a fellow-creature, are still condemned to live on in a state of bitter and heart-biting remorse; to whom life is a misery, and death would be a comfort. I would ask the House — I would ask the country, how we can justify ourselves in taking away every opportunity for that repentance which is needful to all, but especially necessary to him whose hands are stained with the blood of his fellow? I shall, then, with these views and considerations, give my cordial support to the motion of the Right Honourable Gentleman.

Mr. HENRY FITZROY. — I cannot consent to the abolition of punishment by death, in all cases, and only regret that the Honourable Gentleman who originated this motion did not confine it to all cases except murder; as, in that case, I should, perhaps, have been enabled to have supported the proposition. With respect to the present motion, however, in spite of the commentaries of the Honourable Members for Rochester and Birmingham, respecting the scriptural text already quoted, I must say, that I consider that I am only performing my duty in obeying the law it inculcates. Under such circumstances, there is no other course I can conscientiously pursue than to vote against the motion.

Mr. BROTHERTON.—I wish to know, Sir, if we are to carry out the principle of the text so often quoted, where it is to end? I rose, however, chiefly for the purpose of recording my sense of the humanity and expediency of the abolition of capital punishment in every case. I have always upheld that man has no right to deprive another of his life; and every one who entertains sincere religious opinions must agree with me. The text that has been so often alluded to ought not to be taken literally; and the words, in the original, I have been informed by Mr. Bellamy, who has spent fifty years in the translation of the Bible, will not allow of this construction. I contend that the law of God is, "Thou shalt not kill;" and I am convinced that, until our bishops and clergy turn the attention of the people more to this commandment, they will never do what they ought. I shall certainly vote in favour of this motion.

SIR ROBERT H. INGLIS.—I cannot pretend to understand the speech of the Honourable Member for Salford; neither can I, desirous as I am, that neither in peace nor by war one human soul should be sacrificed, agree with him in the conclusion to which he has come. The simple question is, what lives we can spare with the greatest regard to the safety of the rest of the community? I admit that, formerly, great excesses were committed by the punishment of death, under pretence of judicial sentence; but now all such gross abuses of the law have ceased, and to the proper use of it I, for one, cannot object. Considering the improved and the still improving state of feeling that exists throughout the country, I think that no legislative measure is now necessary upon the subject. Great changes have taken place within a few years, and the rigour of the law has been considerably diminished. In the memory of some, and during the lifetime of all, who hear me, a woman was sentenced to be burnt to death for coining. The sentence was passed, and the woman was executed. By what I may call the hazardous mercy of the executioner, the sentence was not, however, literally carried into effect; for the woman was dexterously strangled; but the body was afterwards burned; and thus, as far as the spectators were concerned, the execution was carried into effect. I merely mention this to show to how great an extent the national feeling of mercy and humanity has advanced. I think that we may safely leave the law, as it at present stands, to the improved state of public feeling. I am not disposed to consent to a change by which we should deprive the Crown of its brightest prerogative; and by which we should also deprive those men who, possessed of criminal thoughts and intentions, are deterred from the commission of crime by fear, from the benefit of such salutary experience. Independently of these considerations, the proportion of commitments, as compared with punishments, during a very short space of time, has decreased in very nearly the ratio of ten to one. I take the five years before 1838, the five years before 1833, and the five years before 1828, and I find that during those periods the proportion is very nearly what I have stated it to be. There has been no alteration of the law; but there has been an alteration in the feelings of the people, which almost supersedes the necessity of the measure suggested by the Honourable Member for Wigan; and this has been caused by the gradually increasing sense of the value of human life, on the one hand, and the insufficiency of capital punishment to repress crime, on the other. Under such circumstances, I cannot but feel that discussions like the present, without a moral certainty of their being successful, are detrimental to the good government of the country; for denunciations against the administration of justice are calculated to diminish the reverence that ought to be felt for the law. I trust the House will effectually resist the present motion; because, whilst I am certain that it ought to be the object of every man to save human life as much as possible, there is only one instance, in any state of society, in which the punishment of death has been absolutely and completely abolished. Diminish the frequency of that punishment as much as you please: diminished it has been, to an extent which no one could have anticipated thirty years ago; for, at the present time, not more than six capital punishments are inflicted in the course of a year; whereas, formerly, twenty-five persons have been executed at one period of the year. Still, I think the complete removal of the punishment itself, without any reservation as to the crime, on which the words of Scripture are imperative, would be very injurious to society. I am not one of those who wish to introduce scriptural discussions into this House; but, as the Honourable Member for Salford, and my Honourable Friend near me (Mr. Fitzroy), have referred to certain words, I cannot but make one remark in reply. Whatever construction may have been put upon those words, and however it may have been argued that the Almighty Legislator himself did not personally inflict the punishment which they imply upon the individual who was first guilty of murder; still it cannot be denied, that under the code which He himself prescribed for his own chosen people, there were such instances of the infliction of the punishment of death, as must for ever xclude from any censure any legislators who, hereafter, upon that authority, may nflict such punishment. I only ask, that hose who inflict that punishment may not e considered guilty of an offence, when hey only follow the authority of the inpired word of God.

[Cries of "Divide, divide."]

Mr. O'CONNELL. — I will detain the Iouse only a few minutes, after the lengthned discussion which has already taken lace. I do not think that the Honourble Baronet paid himself any great comliment in saying that he was not the erson who would unnecessarily put any ther person to death. I should be surrised to hear any one in this House say at he would unnecessarily put a peron to death. I submit to the Honourble Baronet that he has no right to put a erson to death unnecessarily; and that would be murder to do so. What the lonourable Baronet and the Noble Lord Lord John Russell), and others who ink with them, have to prove, is this, — at it is necessary to put a man to death r murder. The burden of proof is upon em; and, before they defend such a nishment, they ought to demonstrate e absolute necessity of it. They have t done so, but directly the reverse; cause they admit, as far as proof can , that, wherever the severity of the law s been mitigated, it has been followed a diminution of crime. The only oof that can be adduced is, the proof forded by experience; and the probality is, that what has happened already ill occur again. And what has resulted om the diminution of the punishment of ath? Why, it is proved to demonstran, that wherever you diminish the punhment of death, you diminish criminal habits, and the crimes consequent upon them; you mitigate the evil tendencies of the human mind; you ameliorate the human disposition; and, by the example you show of respecting humanity, even in its worst form, you make the worst form of humanity respect human life. The Noble Lord admits that we have thus far been successful; but he says that we may not succeed hereafter. Now, that argument ought not to have the least weight in the decision of the present question. You have the fact one way, and the doubt of the Noble Lord the other; and I think the House will have very little difficulty in deciding between them. I am extremely sorry to hear theological arguments brought forward, and texts of Scripture quoted in this House; because I do not think this a proper arena for discussions of that kind. But, I may remark, that Honourable Gentlemen are not consistent when they make such quotations. If the words of the text be imperative that where human life is taken human life shall be sacrificed in retaliation, the Honourable Member for Lewes does not go far enough in principle; for, instead of agreeing with the Honourable Baronet, who raises the prerogative of mercy, he ought to take away that prerogative, as directly at variance with the injunctions of Scripture. Nay, more; the principle thus advocated ought to apply also to manslaughter, which is a criminal shedding of man's blood. To be consistent, therefore, the Honourable Member should bring in a Bill to take the prerogative of mercy from the Crown, and abolish the distinction between murder and manslaughter. But I would remind Honourable Gentlemen, that we are not now living under the Jewish dispensation; and that, even under that dispensation, the punishment was not always inflicted; for, although Uriah was murdered, under circumstances of great atrocity, the murderer was not put to death. We are living under another and a more benevolent dispensation, — a dispensation of God's word, inculcating charity, the forgiveness of injuries, the total abolition of revenge. Our present dispensation is not mixed up with the harshness of the Jewish one, but is founded on charity and benevolence; and, instead of sanctioning and directing the shedding of human blood, it prohibits every species of injury from one human creature to another. The Honourable Baronet has talked of the mitigation of the law on this subject. Why, every mitigation of the law affecting the punishment of death was opposed by grave and reverend persons in this House, who contended, that there would be no effectual check against the most atrocious crimes. But I am happy to say, that the advocates of that punishment are now willing to abandon it on all occasions, except in cases of murder; and I trust that, ere long, they will give way on that point. Revolting as is the punishment of death, it has this additional depravity and wretchedness in it, — that it allows short time for repentance, and even less for the detection of error in the conviction. Many instances have occurred of persons being executed for crimes which they never committed. Within my own experience, a man was convicted at Limerick of murder, and sentenced to death. With great difficulty I obtained a respite for a week; and, during that time, facts came to light which established the complete innocence of the convicted man, and his life, in consequence, was spared. I may also mention the case of the three gypsies who were tried at Monmouth for a highway robbery. They were convicted, and sentenced to transportation. Whilst they were on their passage to New South Wales, however, their innocence was discovered; and they had scarcely landed at Sydney before the order arrived for their recall. Now, if the punishment of death had been inflicted in that case, the law would have been a murderer. By leaving the power in the discretion of the judge, you might as well throw dice for human life; for one judge will execute where another will act quite in a different manner. You ought to take away the punishment of death altogether. Your experiment has hitherto been successful, and you ought not to stop in your career of amelioration, unless it should turn out that danger is likely to arise from it. In the name of justice and humanity, I conjure the House to suffer the Right Honourable and Learned Gentleman to bring in his Bill.

[Cries of "Divide, divide!"]

CAPTAIN JONES. — I will not trespass on the attention of the House further than to mention one fact which has a bearing on the subject now under discussion. Some years ago, I was detained at a foreign port for the purpose of quarantine, and whilst there, I had an opportunity of noticing many of the slaves who had been condemned to the galleys. The commandant pointed out to me one man who had, the night before, murdered two of his comrades, and who had been sent to the galleys, in the first instance, for having murdered a monk at Rome. I expressed a desire to know what was to be done with the culprit, and was informed that he was then undergoing the highest punishment which the law inflicted. This fact convinces me that if the punishment of death be abolished, it will be extremely difficult to find any sufficient secondary punishment. I certainly do not advocate the continuance of this punishment except in cases of murder; and one reason why I would not altogether abolish it is, that if a near relative of a murdered person should be conscious that the murderer would not suffer death, he might be tempted to take the law into his own hands.

[Cries of "Divide, divide!"]

LORD WORSLEY. — I regret to say that I am unable to support the motion of the Honourable and Learned Gentleman; because I think the abolition of the punishment of death would at present be a very dangerous step, considering the state of education amongst the people. I believe that transportation is not sufficiently dreaded by that class of offenders who are likely to be guilty of the most atrocious crimes.

[Cries of "Divide, divide!"]

Mr. EWART. — With reference to the remark of the Honourable Member opposite (Captain Jones), I beg to state that there are Returns before the House showing thirty-nine commutations of sentences for murder in two counties; and that not a single attempt at revenge has been made by the families of the individuals who have been deprived of life; and, in the course of the five years during which no execution took place, no assassination was heard of. Before I sit down, I would suggest to those Honourable Gentlemen who do not go the length of supporting my resolution, that they may safely vote for the introduction of the Bill, because they will have the opportunity of making whatever alterations they please in Committee.

The House divided: — Ayes 90, Noes 161; Majority 71.

AYES.

Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Boldero, H. G.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bulwer, Sir L.

Busfeild, W.
Castlereagh, Lord Vt.
Clive, E. B.
Craig, W. G.
Currie, R.
Dennistoun, J.
Divett, E.
Duke, Sir J.
Easthope, J.
Elliot, Hon. J. E.
Ellis, W.
Fielden, J.
Fenton, J.
Finch, F.
Fitzroy, Lord C.
Fort, J.
Freshfield, J. W.
Greg, R. H.
Greig, D.
Hall, Sir B.
Hawes, B.
Hayter, W. G.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hume, J.
Humphery, J.
Hutchins, E. J.
James, W.
Jervis, S.
Kelly, F.
Leader, J. T.
Lister, E. C.
Lushington, C.
Melgund, Lord Visct.
Milnes, R. M.
Muntz, G. F.
Muskett, G. A.
O'Connell, D.
O'Connell, John
O'Conor Don
Paget, F.
Pattison, J.
Pechell, Captain
Rice, E. R.
Roche, W.
Rundle, J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Smith, J. A.
Smith, B.
Stanley, M.
Stanley, Hon. W. O.
Stewart, James
Stock, Dr.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wilmot, Sir J. E.
Wood, B.
Yates, J. A.

Tellers.

Ewart, W.
Lushington, Rt. Hn. S.

NOES.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Attwood, W.
Bagge, W.
Baillie, Colonel
Baker, E.
Baring, Rt. Hon. F. T.
Barrington, Ld. Visct.
Berkeley, Hon. C.
Bewes, T.
Blackett, C.
Blair, J.
Blake, W. J.
Bolling, W.
Bowes, J.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Clay, W.
Clerk, Sir G.
Clive, Hon. R. H.
Collier, J.
Copeland, Alderman
Corbally, M. E.
Courtenay, P.
Cripps, J.
Curry, Mr. Serjeant
Darlington, Earl of
Davies, Colonel
Denison, W. J.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, T.
Dundas, F.
Egerton, W. T.
Eliot, Lord
Evans, W.
Farnham, E. B.
Feilden, W.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Hon. H.
Fremantle, Sir T.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Gordon, Hon. Captain
Gore, O. J. R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir C.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Heatcote, Sir W.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hodgson, F.
Hope, G. W.
Houldsworth, T.
Howard, Hn. E. G. G.
Howard, F. J.
Howard, Sir R.
Howick, Lord Visct.
Hurt, F.
Hutton, R.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jones, J.
Kemble, H.
Knight, H. G.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lemon, Sir C.
Liddell, Hon. H. T.
Loch, J.
Lockhart, A. M.
Macaulay, Right Hon. T. B.
Mackenzie, T.
M'Taggart, J.
Mahon, Lord Visct.
Martin, J.
Maxwell, Hon. S. R.
Mildmay, P. St. John
Miles, P. W. S.
Mordaunt, Sir J.
Morpeth, Lord Visct.
Morris, D.
Neeld, Joseph
Nicholl, J.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parnell, Rt. Hn. Sir H.
Peel, J.
Pemberton, T.
Pendarves, E. W. W.
Pinney, W.
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord Vt.
Praed, W. T.
Price, R.
Protheroe, E.
Pusey, P.
Rae, Rt. Hon. Sir W.
Richards, R.
Rickford, W.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Sheppard, T.
Shirley, E. J.
Smith, A.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Wakley, T.
Williams, R.
Wood, C.
Wood, Sir M.
Wood, Colonel T.
Worsley, Lord
Wyse, T.
Young, J. (Cavan)

Tellers.

Parker, J. (Sheff.)
Stanley, Hon. E. J.

PRINTED PAPERS.

SIR E. SUGDEN. — I have to present a petition from Durham, praying for the liberation of Mr. Sheriff Evans, and of all the other individuals who have been committed by order of the House.

Ordered to lie on the table.

SIR E. SUGDEN. — In bringing forward the motion of which I have given notice, "for the appointment of a Committee to consider and report to the House what steps should be taken in order to guard against the proceedings of the House which it may think it necessary to publish, containing matter criminatory of individuals; and whether it is expedient to discontinue, or to place under any and what restrictions, the sale of such of the proceedings of the House as may be published," I had intended to lay before the House a succinct view of what formerly had taken place with regard to the publications of the House, and the operation of the practice, and what had latterly taken place, and the operation of that practice, in order to show the absolute necessity of adopting some new rules, with a view to such publications, not unnecessarily, at least, containing matter injurious to individuals; and that it required great consideration whether, consistently with that view, there could or could not be a safe sale, by the House, of copies of its proceedings. If you could so guard your publications that they would not contain matter criminatory of the character of individuals, of course they might be safely sold. But I am rather deterred from entering upon the discussion, by the mode in which the Noble Lord (Lord John Russell) has given his notice, which is to move, as an amendment to my motion, that leave be given to bring in a Bill to give summary protection to persons employed in the publication of parliamentary papers. The Noble Lord has thus taken me rather at a disadvantage, in making his motion as an amendment to mine; because they were altogether consistent with each other, so far as I can understand them. My motion is intended only to facilitate any measure of legislation that may be deemed necessary; or, if legislation be not resorted to, to give the public all the benefit, without the injuries, which may result from publication. I cannot, of course, anticipate the course which the Noble Lord is about to take. If it be to provide against any injury being done to individuals by the publication of papers by the House, whether by sale or not, — and that provision be accompanied by a protection of the officer of the House in the sale of such publications, — then the Noble Lord will not find in me an opponent; but if the Noble Lord is going to ask the Legislature to give to this House greater powers than it now possesses in the publication of its papers, leaving the resolutions of 1837 altogether untouched, by which the House claims the right to declare what shall be its privileges, and makes it a breach of those privileges for any court of law to entertain any action with reference to that question; and leaving, too, the assertion of the powers of the House, as against the question of law, untouched, — and making no provision that, in the publication of our papers, we shall take care not to injure the character of individuals; — then I at once declare that the Noble Lord will not have a more strenuous opposer of his Bill. The object of my motion is, to clear away the difficulties which surround the question; but I shall, perhaps, consult the convenience of the House by now postponing my own motion, and giving the Noble Lord an opportunity of bringing his intended amendment before the House, as a substantive proposition. I have no wish to embarrass the House by the simultaneous discussion of cross motions; and, as the Noble Lord's Bill may, perhaps, render it inexpedient for me to bring forward my proposal for a Committee, I will postpone my notice till this day se'nnight, when I certainly intend to bring it forward, if the Noble Lord intends, by his Bill, to take greater powers, without giving additional protection to the people. My object may be accomplished by the Committee which is now sitting, from which I have withdrawn, in consequence of the detention of the sheriff; and also because I have little confidence in them; seeing that, out of the twenty-one members, of which it is composed, seventeen have declared their concurrence in the measures hitherto taken by the House. I will now, with the permission of the House, withdraw my motion.

LORD JOHN RUSSELL. — The Right Honourable Gentleman having declined, at the present moment, to bring forward his motion, perhaps the House will allow me to state the proposition which I intended to move as an amendment; and what the Right Honourable Gentleman has said in favour of his own proposition has only confirmed me in the opinion that I ought to introduce a Bill on the subject now under discussion. The Right Honourable Gentleman seems to think that we ought to examine our right of publication, with the view of restraining it by some legislative measure.

SIR EDWARD SUGDEN. — I did not contemplate a legislative measure.

LORD JOHN RUSSELL. — I thank the Right Honourable Gentleman for the correction; because it appeared to me that the Right Honourable Gentleman evidently expected that the Bill would contain some restriction on the publication, and on the sale of parliamentary papers. It is my opinion, however, that we ought not to place any restriction on the right of publication possessed by the House, whatever determination we may come to as to the mode in which that publication should be made. I have no hesitation in saying, that, if it can be shown that the mode of publication adopted in 1835 has led to the distribution of papers, wantonly calumniating any individual, I shall be perfectly ready to listen to any remedy that may be proposed within the House itself, to prevent such improper and calumnious publications. At the same time, I know not of any more difficult subject to be undertaken, because many of those publications contain Reports of evidence, and accounts of proceedings, which, though not intended injuriously to affect individuals, yet incidentally bring in the names of many parties, and which are necessary, as the foundation of Bills to remedy those general evils, the existence of which is proved by particular cases. It must, however, have become evident, whatever opinion may be entertained with respect to the power and the privilege of the House to regulate its own publications, that it is desirable to provide some more immediate and more effectual means of exercising its powers. My own opinion is, that the powers of the House are very large; and that, if they are used to their utmost extent, they will be found quite commensurate to effect an observance of the law of Parliament; but the mode in which we can exercise those powers is liable to great objection; and, when put into practical operation, it produces considerable inconvenience. Let me take the case that has now occurred. Suppose that, during the recess, an action should be commenced, and there should be no defence; judgment would at once be given, and the sheriffs would proceed, without delay, to levy the damages. We should be bound, on re-assembling, to direct our immediate attention to the proceedings, to send for the sheriffs, and to punish them for the breach of privilege; and yet such a course is liable to this defect,—that it does not stop the action; and we are forced to deal with officers who have been no parties to the proceedings, until they are brought before the courts of law; and these are the only officers with whom the House can interfere to prevent the full execution of the judgment.

With respect to any action that may be brought during the sitting of Parliament, there is a more immediate remedy by proceeding against the parties. We may commit the plaintiff and the attorney before they have gone far enough to entitle them to call upon the sheriff to execute the writ; but in the latter case, also, it is impossible to exercise the powers of the House without having the attention of Parliament occupied by motions relating to individuals who are endeavouring to oppose the orders of the House. I do not think, that if we had to deal with persons who were *bonâ fide* seeking the protection of their character, who really considered themselves aggrieved, we should experience much difficulty; for they would submit themselves to the authority of the House, when they were told that any action they might bring would be a breach of privilege; and we might give such redress as to the House should seem proper for the damage which they might have sustained; but we must recollect that the persons with whom we have to deal, in cases of this kind, are not of that character; that, like Mr. Stockdale, having been mentioned in the Report of persons acting in the execution of their duty, they may immediately seek to derive some advantage by entering into a contest with the House, and by vexatiously continuing to bring actions against its officers. In such cases, although we may punish the individual, yet serious inconveniences must necessarily arise from the consumption of the time of the House, which is so valuable, as well in regard to all measures of legislation, as to the control that is to be exercised over the executive administration; and the whole Session might be occupied in discussions on the cases of individuals — on questions whether we should or should not commit this or that officer, or whether we should or should not discharge this or that prisoner. That, of itself, is a great public evil.

But there are other evils with which we have not yet had to contend; but with which, if we are determined to use our powers to the utmost, we must contend. It would be a great evil, for instance, if we were forced to come more directly into collision with the courts of law than we have hitherto done. Differing, as I do, from the opinions of the judges, in the case of Mr. Stockdale, — conceiving, as I do, that the judgment of the Court of Queen's Bench is altogether erroneous, and that it is not founded upon a correct notion of the privileges of Parliament, — I must say, upon public grounds, if the House of Commons is to be respected, on the one side, and Her Majesty's judges, on the other, are to be held in that estimation and veneration which is necessary to add weight to the administration of the law; great evil would arise from a more direct collision; and any proceeding calculated to cause two parties in the community to take opposite sides, so that one party shall vindicate the House of Commons, whilst another shall adhere to and defend the judges, would be a great misfortune in a public point of view. I think these are sufficient reasons why, at this period,—having shown that we are determined not to part with any of our necessary powers,—we should attempt, by the aid of legislation, to prevent a recurrence and a continuance of those evils to which I have adverted. I feel, at the same time, that there is great force in the objection, that any legislation whatever may add strength to the arguments of those who contend that the privileges of the House will be weakened by any enactment requiring the consent of all the branches of the Legislature to that which is the inherent privilege of this House. Still I cannot but see, that at all periods in our history, whatever may have been the subject; whether it has regarded the privileges of Parliament, or the rights of the Crown, or of any of the constituted authorities,—whenever any great public difficulty has arisen, the Parliament, in its collective sense,—meaning the Crown, the House of Commons, and the House of Lords,—have been called upon to solve that difficulty. This was, as I conceive, the original intention of the constitution of Parliament. I am far from thinking that the constitution of Parliament, as it originally stood, rude as were its general provisions, did not exhibit great sense in the general distribution of power. . It was among the functions of Parliament, not only to provide for the executive administration of the country, and to pass such laws as should be from time to time required, but also to declare, by some unanimous resolution, the state of the law existing at any particular period; which declaration was taken as a law for ever afterwards. That was done at a remote period, as a part of the inherent power of Parliament; and although it may have been little used lately, yet it is both within the power and the duty of Parliament to meet any great evils or difficulties of this kind, and to provide for them by its general authority.

With respect to cases of privilege, it cannot be denied that when difficulties have occurred, Parliament has provided for them by some enactments or declaration of the law. In the commencement of the reign of James I., when it was found that the warden of the Fleet was unwilling to discharge from prison a Member of this House, being fearful that he should have to pay the penalties for an escape, although the House of Commons interposed, and obtained the release of the Member, it did not think it inconsistent with the maintenance of its privileges, nor a dereliction of its high duty, as one branch of the Legislature, to pass an Act, providing that all suits brought against Members should revive when Parliament should cease to sit; and, secondly, that no sheriff or other officer should be liable to any punishment for discharging from custody a Member entitled to privilege. After the Revolution, when the Members of the House, and even the Speaker, had become liable to actions and prosecutions for doing their duty in the House, Parliament declared, by legislative enactment, that no person should be called in question for any proceeding within the walls of Parliament. So likewise, when it was found, in the course of experience, that the personal privileges possessed by Members, such as the exemption of their servants from suits for the recovery of debts, could be dispensed with, without doing the least injury to the efficiency of Parliament, the House agreed to several Acts, the latest of which is the 10th George III., which allowed the suits to proceed, and which limited those personal privileges of the Members. All this shows that, when there has been sufficient cause, the House has not hesitated, upon all suitable occasions, to limit its privileges. It may be said that, when we enter upon a course of legislation with respect to one privilege, various other privileges may be attacked, and we shall be ultimately obliged to resort to legislative enactments for all. I do not feel certain that such attacks will not take place; but none of our privileges are so much exposed to attack as this particular privilege of publication; at all events, that is the privilege now called in question. On many of our privileges I find, by the judgment of the Court of Queen's Bench, there is no difference between the House of Commons and the courts of law; several of them have been generally allowed; and Chief Justice Pemberton admitted certain privileges of the House of Commons when he was called to our bar. If, however, the judges of the Court of Queen's Bench should not be disposed to allow that the House has the right to decide what its privileges are, I shall be prepared to maintain, in that case, as I have done in the present, that the House is, and of right ought to be, the judge of its own privileges. The Right Honourable Gentleman opposite (Sir E. Sugden) differs from me upon that subject. It is one on which there has been a great deal of popular misapprehension. It is said that the House can declare anything that it pleases to be privilege; and it is presumed that it may claim the most extravagant power as a privilege. This is a most exaggerated way of putting the question. It was said, equally extravagantly, by counsel, before Lord Ellenborough, "Does your lordship mean to say that the House might take any person into the lobby, and there execute him?" To which Lord Ellenborough replied, "In such case, the courts would do their duty." If a person convicted of a capital crime was sentenced to death, there is no doubt that he might be legally executed; and the counsel might just as well have asked, whether a person not legally convicted could be executed?

I contend that the House ought to have the power to judge of its own privileges, because it can best judge what privileges are necessary to enable it to discharge its duty. If I am asked what there is to check and to limit this power, I must answer, that there is the same check and the same limit as there is upon all the different bodies in the state; — there is the same check and the same limit as there is on the prerogative of the Crown, on the power and authority of the House of Lords, or the Court of Chancery, or the courts of common law,—namely, that, having certain powers necessary to maintain their particular functions, it cannot be supposed there will be any extravagant assumption of powers beyond the necessity of the case. If this be so, the case is clear; and there is no difficulty in deciding the question, whether the House of Commons or the Queen's Bench is the proper judge of what is necessary for the due performance of the duty of the House. I have no hesitation in saying that the House is the proper judge, because it is perfectly conversant with the business which it has to perform; it is aware of what is necessary to perform that duty; and it is more likely to come to a correct decision upon this question than the Court of Queen's Bench. It will probably be said, that the House of Commons may carry the power of judging what are its own privileges to an excess; but it may just as well be said that the Court of Queen's Bench will be anxious to limit what is really necessary. It seems to me, therefore, that, whatever we do, we cannot relinquish the power of declaring what is essential to the due performance of our functions. Elected, as this House is, by the people, I do not think that it will ever exercise any act of exorbitant tyranny in defence of its privileges.

I now come to the proposition which I have to submit to the House. I do not intend to propose a measure that shall impose any restrictions on the power or right of publication by the House: on the contrary, I shall take care to state, in the preamble of the Bill, that the privileges of the House, as well in this as in any other respect, are only known by the interpretation of the House itself. I intend to propose that publications, authorised by either House of Parliament, shall be protected; and that, upon the production of a certificate of such publication,—signed, for the House of Peers, by the Lord Chancellor, or by the Speaker of that House, and for the House of Commons, by the Speaker of this House,—in any court of common law, any proceedings which may have been commenced, in respect of matter contained in any such publication, shall be stayed. I will not now enter into any explanation of the mode in which this is to be done; because, if I were to attempt to do so, I might probably lead Honourable Members into error. I therefore think that it would be better to introduce the Bill, and let Honourable Gentlemen have an opportunity of examining its details. The object of the Bill, I repeat, will be to give protection, in a court of law, to the publications of either House of Parliament, not merely during the time Parliament is sitting, but during a recess or dissolution. I do not propose to limit the right of publication; for, as I said before, it is essential that we should maintain it to the fullest extent. And I am anxious to keep that authority within the House itself; because I consider its functions too important to be submitted to any other tribunal. I now ask for leave to bring in a Bill, hoping that it will be the means of putting an end to the evils which are now experienced, on this subject, by the House; and, after what has passed, I do not think it too much to ask the House of Lords to concur with us on this subject. That House must be aware that the conflict in which we are engaged may be injurious to the other branch of the Legislature; and, with regard to the publications of the other House, although they have not been called in question, it should be recollected that one of the publications for which we were threatened with an action was a reprint of a document of the House of Lords, containing the evidence given before a Select Committee of Lords on the state of New Zealand. That investigation was gone into for the purpose of obtaining correct information as to the state of that country, for the guidance of those individuals who might be desirous of emigrating; and the information thus acquired was not intended to be confined either to the House of Lords or the House of Commons. It, undoubtedly, might have been made a ground of action against that House, as it was threatened against this House, that the publication containing this information involved a libellous attack upon individuals. With respect to the motion of the Right Honourable Gentleman, I think the Committee lately appointed on the subject of the printed publications of the House will, in its Report, state all the facts of the case; and I believe that the House will be satisfied that means have been taken practically to place some check on the publication of works of a libellous character, printed under the authority of the House. I am anxious that the House should be fully aware of the manner in which these publications are corrected, before an order is made for their printing; and when this information is before the House, it will be for Honourable Members to say whether these checks are effective or not. I will not occupy the time of the House at greater length; but conclude with moving, "That leave be given to bring in a Bill to give summary protection to persons employed in the publication of parliamentary papers."

The motion having been seconded, —

SIR E. SUGDEN said: — I will not detain the House for more than a few minutes, while I express my opinion on the motion just submitted to the House. I am not at all satisfied with the explanation of the Noble Lord as to the course he proposes to adopt with reference to the publications of the House. The Noble Lord concluded by telling the House that the Printed Papers Committee will report all the facts to the House. Now, if my motion had not been intercepted by that of the Noble Lord, I would have shortly stated those facts, which, indeed, are already pretty well known to the House. But the Noble Lord has not stated that the Committee are prepared to recommend any measure which shall give greater security against any attack on private character than that which already exists. The Printing Committee only consider what papers are to be printed, and the number, and they do not inquire into the character of the publication; so that whatever we print we publish, and whatever we publish we sell. Now, I should have been able to show that the primary object of ordering the sale of parliamentary papers was, to save expense, without regard to the character of the publication. The Noble Lord has completely misunderstood me as to the right of publication. I never disputed it; all that I wish to see is, the publication of papers placed under the greatest possible care, and within the strictest forms. I am afraid the public will think that we do not intend to assert or adhere to any such principle, and that we have no regard to anything like a proper or sufficient caution in the publication of our papers. The Noble Lord states, that there are many mistakes out of doors as to the power claimed by the House; and he says all that he requires is, that the House shall be the judge of its own privileges, so far as is necessary to carry on the business of the country. The resolutions of the House in 1837 do not state any such condition. What are the words of that resolution: —

> That, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction, to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon: That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament.

There is no limitation, here, of the right of publication; but there is a positive declaration of the House that they have a right to publish what they think fit; and it is of this assumption of right that the people of England are afraid. It is not fair to the public that this extraordinary claim of the right of publication by the House of Commons should be sanctioned, or that merely an announcement of it should stop all proceedings in any court. I admit that, in extraordinary cases, where the liberties of the country may be in peril, the extreme right of publication may be necessary; but it never was the law of Parliament, or the law of the land, — of which the law of Parliament is a part, — to deal with these extreme cases as of common occurrence. I object to the present proceeding on this ground, — that whilst the Noble Lord endeavours to explain away this resolution, he leaves it still in force, pregnant with all the dangers that appear on the face of it. I have no doubt the Noble Lord's Bill will be opposed on very different grounds from those on which I shall oppose it; for some Honourable Members may think that, by this course, the privileges of the House may be put in peril. Now, I have no such fear. There is no one more ready than myself to maintain the privileges of the House; and I am not aware that any are in peril except that to which, by law, we are not entitled. I do not object to a legislative measure on that ground; but I do object to give this great power until we have framed satisfactory restrictions to guard the public against the injury which may result from our publications. I think Mr. Stockdale was very unhappily advised to try this question. No person supposes that he considered himself aggrieved by what he called a libel, but which the first jury decided to be no libel; and if the House had again submitted the case to a jury, I have not the least doubt that the same verdict would have been returned a second time. I entertain no sympathy whatever for Mr. Stockdale; but he, unfortunately, in this case, represents a great principle, for which I contend. I think the point between the Noble Lord and myself is now very much narrowed, and I do not apprehend that I shall be an opponent of the Bill, if, before it arrives at a second stage, he shall have provided the guards to which I have referred. I am, however, afraid that the Noble Lord has no such intention, because, from the mode in which he has brought forward his motion, I consider that he intends to stifle my attempt to obtain a Committee for the purpose of ascertaining the best means of carrying a satisfactory measure into effect.

The SOLICITOR GENERAL. — I rise in order, Sir, to state the grounds on which I feel it my duty to oppose the motion of the Noble Lord; and I believe the House will give me credit when I state, that all my inclinations and wishes are to support the Noble Lord and the Government of which he is so distinguished a member,— more particularly as I have so lately been called upon to take office: but I feel that my duty, as a Member of Parliament, is paramount to my duty as an humble member of the Government. It is, therefore, under the influence of an imperative sense of duty, that I am about to state my objections to the course now proposed. I cannot but be sensible of the extreme difficulty of the situation in which the House and the Government are involved, in connection with this subject; for it is the duty of the latter to maintain, in every possible way, the privileges of the House. I am anxious, while endeavouring to guard against doing anything prejudicial to the public interests of the country, to abstain from offering anything likely to embarrass the course of the Government; but, after reflecting on this subject, I cannot but feel the most painful apprehension as to the result that I fear will follow the course proposed. I believe that the Government are mistaken on this subject; and that the measure just proposed, so far from relieving them from the embarrassment in which they are placed, will tend greatly to aggravate and increase that embarrassment, and also to inflict a deep and permanent wound on the privileges of this House. The proceedings which have taken place, on the part of Stockdale, the House has no means of arresting, except by the power of commitment; and that is the only way in which the privileges of the House can be asserted; but I do not think this is the proper time to enter into an argument upon the existence of the privilege now claimed. I feel great respect for the opinion of my Right Honourable and Learned Friend opposite; but I am sure that my Right Honourable Friend will excuse me for saying, that, having paid some attention to the subject, I cannot help entertaining the opinion that the resolutions which have been alluded to are well founded, and essential to the House; and when the proper time for their discussion arrives, I shall be prepared to show that they are well founded upon parliamentary law, — that they are supported by constitutional writers of the greatest authority, — that they are essential to the due discharge of the functions of Parliament, — and that they do not, in their terms, go one iota beyond what is absolutely necessary. Gentlemen must not limit themselves to the terms of these resolutions. They ought to look to the proceedings in the Court of Queen's Bench, which gave rise to them. They must look to what was the power denied, — they must ascertain what the House was called upon to do, and consider whether these resolutions are just in principle, and that they did not exceed the necessity of the occasion, which would have been exceedingly unwise and imprudent. I will pass them by for the present, and consider whether the Bill proposed by the Noble Lord is calculated to relieve the House from the difficulty in which it is placed; and whether, if it accomplish that object, it is not at a price far beyond anything that can be gained by it. I believe that it will not produce that advantage, but that it will be deeply and permanently injurious to the privileges of the House, and to the public interests. The House thought it right to present, by way of plea in bar to the first action brought by Mr. Stockdale, a statement that the acts of which he complained had been done under the authority of the House. By the judgment of the court, that plea in bar was overruled. I entertain great respect for the opinion of the Court of Queen's Bench; but, as an independent Member of this House, forming an opinion on part of the law of Parliament, I do not hesitate to express a confident belief that that judgment was wrong and unfounded. I am therefore anxious that the House should not do anything that may appear to adopt or sanction that judgment. That court has determined that the order of the House, upon a matter of privilege, is no defence, — that it cannot be used as a plea in bar to an action. I therefore caution the House to take care, since that judgment has been pronounced, not to adopt any course calculated to be decisive against itself, in pronouncing such an opinion as may admit, in any way, the validity of that judgment.

The Bill proposed by the Noble Lord has for its object the stopping, by a summary proceeding, any actions that may be brought for publications authorised by the House. Do you, then, admit that the privilege of this House is no bar to an action? Are you prepared to admit that the Court of Queen's Bench were right in overruling a plea which is the third step only in the prosecution of the action? I say, that legislating to stop the proceedings summarily, while this judgment stands in its present position, leads necessarily to the inference that the House admits that it cannot set up its privilege as a plea in bar, but that it requires some additional legislative aid in order to make this privilege effectual to stop such an action. I am sure that the Bill which the Noble Lord proposes will not, in its precise terms, affect the privileges of the House; but by resorting to a legislative measure, in the face of that judgment, leaving it altogether unimpugned, passing it by, without venturing to assert the existence of the privilege which is denied by the Court, you will own that that judgment is right, and that the House is wrong, — that there is no stability in its judgment, and that it looks back with some degree of doubt on its former proceedings. The inevitable conclusion will be, that this House could not so speedily have resorted to legislation after this judgment, without impugning it, if it had been prepared to dissent from it. Therefore I contend, that the introduction of the Bill into the House will only tend to increase the present embarrassments. The Bill, as it appears to me, when I consider the nature of the judgment of the court, is calculated to increase, and encourage, and give rise to attacks on the other privileges of the House. I do not believe that many Members of the House are precisely aware of the numerous instances in which their privileges are now conceded, and of which the public have the benefit, but which may be called in question. How many important acts of legislation in this House have passed by small majorities? The Act of Settlement passed by a majority of one. How easy would it be, when an important debate was likely to take place, if Members of Parliament were liable to be subpœnaed to the counties of Northumberland or Cornwall, to withdraw a few of the most efficient Members? How often would one person or another be disposed to summon some Right Honourable Baronet, or some Noble Lord, to a distance, on certain occasions? It is not disputed now — the question has not lately arisen, regarding the exemption of Members of Parliament from answering such summons. But Members may be called to serve on juries; they may be made liable to serve the office of sheriff. There is an infinite variety of offices from which they are exempted by parliamentary privilege, — not for the individual benefit of the Members, but in order that the public service may proceed. In every one of those instances, the question of privilege may arise, and on the most important occasions. You have a right to call for papers — you have a right to summon witnesses. It is endless to repeat the innumerable instances in which questions of privilege may arise. A witness refuses to answer a question, or a party refuses to produce papers, or refuses to attend. All this might give rise to discussions in courts of law, whether or not they are to judge of the necessity of the examination of the witness, of the relevancy of the papers, and of every other circumstance connected with the discharge of parliamentary duty. Do not fancy that, while Parliament has been deemed paramount, — while that has been conceded for ages which the Court of Queen's Bench have now denied, — conceded, too, by the brightest names that adorn English history, — do not fancy that, while the House of Commons was deemed co-ordinate with the House of Lords, superior to the courts of law, and judges of their own privileges. what has been conceded under these circumstances will remain when your position is changed; — do not fancy that you have a fee simple to all your privileges, when you are only tenants at will of this one. The judgment of the Court of Queen's Bench has displaced the constitutional position of this House. This House is no longer, according to that judgment, a co-ordinate authority with the House of Lords. That balance and constitutional check, which have been the pride of those who have investigated and expressed opinions on the British constitution, is gone. If this House may have every one of its privileges decided by the House of Lords, its independence, its honour, and its authority, as a legislative body, are diminished.

It is important that respect should be paid to the courts of law that execute the law. It is not less important that respect should be paid, and dignity enjoyed, by those who make the law. I only regret, when I look back to the language expressed in the House, to see that those who value old institutions, who value institutions intimately connected with the most valuable parts of the British constitution, should have forgotten that the House of Commons is one of these. With a House of Commons subordinate to the House of Lords, the constitution has lost one of its best safeguards, — a safeguard by which our liberties were convoyed through times of the greatest danger and difficulty, in which the constitution would have perished, but for the authority of the House of Commons. You are about passing an Act of Parliament, leaving untouched the judgment which has displaced you, which tends to destroy the respect that gives effect to your acts, by making you subordinate to the lowest court of justice in the kingdom. What is it that invites such men as the country has reason to be proud of — men who adorn the House — to become its Members? It is the rank, the station, and the authority of the House. Alter the constitution — change the condition of the House— and it will cease to invite men of that class. It is from its importance, its rank, and station, that all men are ambitious to become Members of the House. But, whatever may be its present condition, let but a short time pass, and let the judgment of the court receive the sanction of this House,— let it become subordinate to the House of Lords, — remove it from being what it has ever been — the check, control, and balance of the other powers of the State,— and it will sink in esteem and dignity, as it must do when every one of its own resolutions regarding its own powers is liable to be reversed by the lowest court of justice in the kingdom. My objection to the Bill is, that, when you do not venture to assert your privileges, — when you do not express the slightest dissent from the judgment pronounced by the Court of Queen's Bench, — you will, in effect, affirm that judgment for practical purposes. I know very well that there is no reason to hope or believe, at the present moment, that a Bill which is not open to these objections will pass both Houses of Parliament. That, in my mind, is the reason why you should not legislate at all. I am anxious — most anxious and desirous, if possible, to put an end to the present state of difficulty and embarrassment by legislation, if a settlement can be obtained consistently with the usefulness — (by which I mean the authority, the dignity, and the station) — of this House. I believe that no such Bill can be framed; but I will not, on that account, take a Bill pregnant with more difficulty and danger than that under which we are now suffering. I therefore say, that no man can look at the state of circumstances which now exists, without perceiving that the price you are going to pay for this legislative measure must most seriously affect the permanent station and character of the House.

I have before occupied the attention of the House at such length, that it is my most anxious desire to spare its time on the present occasion; and therefore I only wish to allude to those matters which impress my own mind, and which induce me to think that I am only discharging my public duty in opposing the bringing in of this Bill. I conceive that you are doing a great evil in bringing in such a Bill. In the first place, I do not believe that it will pass, even in its present form. I believe it will undergo alterations which, in all probability, will render it more objectionable; and I do not think that the Noble Lord himself will receive it in its altered shape. I cannot consent to send up a Bill which I know will be the subject of discussions not calculated to increase the dignity of this House, not calculated to put down resistance to this House, but calculated, rather, though no such intention may be entertained, to stimulate resistance, and to encourage defiance in those who are disposed to resist the authority of this House. I consider, therefore, that, in the present divided state of the House, if we send up a Bill on the subject of our privileges, it will give rise to such discussions as will not tend to ease or terminate our difficulties, but to increase them. But I will suppose the Bill to have passed in a shape which the Noble Lord, consistently with his anxiety to preserve the honour and usefulness of the House, would recommend to the adoption of the House. If I am at all right in the consequences which I assume as likely to follow this Bill, you will have announced by it that you require other powers than those which you possess, to maintain your privileges; and my opinion is, that you are asking this in respect of the privilege least likely to be called in question.

My Right Honourable Friend has addressed the House with the caution that belongs to his intelligence, regarding these publications; and much has been said with respect to the want of care on that subject. But those who make such charges will do well to remember that no complaint has been made in the course of 200 years, the House having, during that time, passed through inquiries of the most important, and, in many cases, of the most distressing nature: having examined into the abuses of the South Sea scheme, of the slave trade, of municipal corporations; and having published so many voluminous papers, containing matter of the most criminatory nature, with a view to legislation. Surely something may be said on behalf of the House, when it appears that the only individual who, in the course of 200 years, has complained of its publications, is Stockdale; regarding whom a verdict has been found, that all that was said of him was true. I cannot help thinking that this circumstance gives pretty good assurance that there has not been so much falsehood, that there has not been such an over abundance of slander published by the House, as some folks are apt to imagine. I can conceive very many privileges much more likely to be attacked than that of publishing parliamentary papers, — such as that of examining witnesses, or calling for papers. Let us see how we stand with respect to these. The Court of Queen's Bench has placed the House in a new position. Three of the judges have said, that what is necessary for the discharge of the duties of the House is a privilege. Mr. Justice Coleridge, however, says that it is not enough to make out that it is necessary — you must, also, show that it has been allowed — by allowed, meaning anciently allowed; so that the House is in this situation, that it is told by one of the judges, that it has not the power necessary for the discharge of its functions; and, by the other three, that, though it has the power, without which it cannot perform the functions that belong to it, yet that these three learned judges, and their brethren, are to decide whether it be necessary or not. I have taken the opportunity of moving for a Return, for the information of the House, of the writs of error brought against the judgment of the Court of Queen's Bench in the last five years; and I find that there have been twenty writs of error brought in that time; and ten judgments reversed, in which the court had been unanimous. What a *bonus* does this hold out to those who are disposed to enter into a legal contest with the House! What uncertainty will attend the decisions of the court; and what an opportunity of accomplishing their ends will be afforded to those who are disposed to resist the House! It is no matter about the result — whether the court would sustain your privilege or not — for the time would be gone by when it would be of any use, and the House would be compelled to act without it. The evil of uncertainty must attend every step of your proceedings; and a great bounty will be afforded to persons to resist the House in the hope of succeeding, by the judgment of some court or other in the kingdom. You are, therefore, not certain of any of your privileges; and a privilege so little questionable as that of the publication of papers having been attacked, it is reasonable to expect that your other privileges will be called in question. I think such attempts will be encouraged by the Bill, because it will have the effect, to a very considerable extent, of confirming the judgment. But suppose you stop Mr. Stockdale's action in the manner proposed, by lodging a certificate; and forthwith, under the authority of the Act, legal proceedings are stayed. How do you stand now? Mr. Howard has brought an action against the Sergeant-at-Arms will the Bill stop his action? I do not so understand it; and if Mr. Howard's action still remains, you will have all the difficulties, all the embarrassment, all the waste of time, in discussing and maintaining your privileges, which you had without the Bill. You will be relieved from none of the discussions which, for great public purposes, you wished to avoid by the Bill.

But I cannot help thinking that Mr Howard's will not be the only action which will be brought. Whether the occasions exist at this moment which may give rise to actions, I cannot say, but the first attempt at coercion which the House is called upon to adopt in the discharge of its duties, will be met by opposition and resistance, and will lead to that violent contest with the House of Commons, which the sooner you meet and show your determination to put an end to, the better. You are travelling on, and it is of no use to delay what cannot be avoided. It is better to show at once, by your conduct, that you are determined to exert the owers which the constitution has vested n you. I will only repeat, regarding uch powers, that there is not a court of ustice in the kingdom that can exist rithout them; and the Houses of Parliaaent have only existed by them. The ressure of personal imprisonment is the aost important and extensive means by rhich they are protected. To say it is ot sufficient, with regard to the House, s, to speak contrary to experience, rhich has manifested its sufficiency in he House of Commons hitherto, as well s in every court in the kingdom. The uestion is, whether—(now that you are avolved in this difficulty, not by any ult on the part of the House,—for the Iouse could not avoid it in the discharge f its duty, with respect to the publication f papers)—the House had any reason o expect that an attack would be made n it by the Lord Chief Justice of the ueen's Bench. When that attack was ade, the House had no choice, no reource, but to meet it by a prompt declaation. To judge how far I am right, let e House look to the grounds on which e court pronounced its judgment? lainly, they rest upon the *dicta* of other dges, uncontradicted by the House. hey say it is impossible that Parliament ould have passed them by, unless it had een satisfied that they were correct; and you pass by the striking judgment of e Lord Chief Justice in this case, will not be a ground for asserting, that it is orrect, also? The House only came forard when its privileges were attacked; nd entered upon its present course of roceeding from a sense of duty to the ublic, for whose benefit the privilege ists,—yet most of whom little perceived at the question was, whether the indeendence and efficiency of the House of ommons should continue to exist. But t them look to the effect of making one ranch of the Legislature subordinate to nother, and to all courts of justice; and ey will then perceive the true character f the contest. I say the House is not to lame in this matter. It has acted as nderly as it could do, in the maintenance f its privileges. It has not, in any one ommitment, gone further than former ouses of Commons have gone, and those ot in bad times

SIR E. SUGDEN.—Hear, hear!

The SOLICITOR GENERAL.—The ight Honourable Gentleman cheers. Thether that cheer would have deterred rmer Houses, which saved the constituon, I do not know. I do not know whether the public place less dependence upon it, now, than formerly; but this I will venture to assert, that its efficient existence was never more seriously threatened than at this moment. I repeat, that I shall be ready, on a proper occasion, to meet the Right Honourable Gentleman, and show that the House has acted tenderly in the course which it has pursued. Upon the ground, therefore, that you cannot legislate effectually, even for your own views,—that you cannot, by legislation, relieve yourselves from the embarrassments in which you are involved,—that you have no resource but a firm reliance on your own power and authority; and upon the ground, that this Bill, while it will relieve you from none of your difficulties, will greatly increase some, and create new ones,—I submit to the House, that it is inexpedient to attempt to meet the present difficulties by legislation. It is a course which presents only fallacious hopes of escape. In this instance, as in most others, the most direct and firm mode of meeting the difficulty is the surest path to safety and honour.

LORD STANLEY.—In the course of the discussions which have taken place on the subject, I have not at any previous time felt justified in trespassing on the attention of the House, even by a single observation; but, although silent, I have by no means been an inattentive or unanxious auditor of what has taken place. The hour of the night, and the deference which I feel for the Honourable and Learned Gentleman who has just sat down, admonish me to be as short as possible in stating to the House the grounds of the vote I am about to give in favour of the measure which the Noble Lord has proposed to introduce. I am well aware that the motion is liable to attack from both sides of the House; and I have not listened to these discussions, and still more I have not attended the Committee which has been sedulously and laboriously investigating the case upstairs, without perceiving distinctly how many plausible arguments, how many sound reasons, may be urged on the one side and the other; and how deeply important it is, for the best interests of the country, that we should come to a sound conclusion, free from passion and prejudice, on the subject; and, at the same time, how difficult it is,—nay, how daily and hourly it is rendered more difficult, by circumstances pressing upon us, irritating our feelings and warping our judgments,—to come to such sound, unprejudiced, and impartial conclusion. The Noble Lord's proposition will be attacked by Gentlemen sitting upon both sides of the House, upon most opposite grounds, and by arguments of the most conflicting nature. It will be opposed alike by those who wish to preserve, and by those who wish to abandon, the privilege of publication; and it is really most difficult to frame arguments to meet the opposite views of Gentlemen with such different notions. I confess at once, without any hesitation, that I feel as strongly as the Honourable and Learned Member can do the absolute necessity of maintaining the privilege of publication, and of preserving it in full action, — subject only to that discretion and restriction which the House may think fit to impose upon its own powers of publishing information on those subjects which, being the grounds of legislation, it is its duty, as a representative and legislative body, to place before the cognisance and the judgment of the public. No man will contend more strongly than I am prepared to do for the full maintenance of the privileges of this House; and if I thought, with the Honourable and Learned Gentleman, that the adoption of the Bill of the Noble Lord would tend to destroy those privileges, to defeat our own objects, and to superinduce greater and more prejudicial consequences, the House would find me as fully prepared to oppose the Noble Lord as I am now prepared to support him. At the same time, I do not agree with my Honourable and Learned Friend the Member for Ripon, that it is unfortunate that the case of Mr. Stockdale should have been the one on which the question of privilege has been brought to issue; because, if Mr. Stockdale's case had not been brought practically to issue, we should have been told, "You are arguing on extreme cases; in such a case no jury could award damages, nor could the Court of Queen's Bench rule against the power of the House of Commons." For this reason, I rejoice that the question has been brought to issue upon precisely such a case as the present. The House is proceeded against by a man of notoriously exceptionable character, on account of statements published in a Report ordered by the Queen to be laid before both Houses; a Report of Commissioners who had investigated gross abuses, in answer to allegations that such abuses did not exist, and to a challenge to produce the facts in proof of such allegations. Was the subject of these investigations an unimportant one? No; for it related to no less a subject than the management of the principal prison of the metropolis, and whether it was conducted in a manner that entitled it to be exempted from legislation. What was the effect of the Report? That in the hands of the prisoners had been found obscene books. Did the matter rest there? No; for a public body came to this House, with an allegation denying the facts, and questioning the Report of the Commissioners: and, in consequence of that denial, the Commissioners made a further Report, in which they vindicated the accuracy of their former Report, and stated that an obscene publication, by a person well known, named Stockdale, had been found there. Upon this justificatory Report of the Commissioners, proceeded subsequent legislation. If, then, in a case so strong as this, the Court of Queen's Bench has thought fit to step in and to say, "We do not admit the authority of the House to publish, — we do not allow the House a discretion as to what it shall publish, — but we claim, on the part of the court, the right to inquire, as in the case of ordinary libels, whether the publication is justifiable or not;" — if each individual case of such publication is to be subjected to the investigation of any tribunal in the world, there is an end, and for ever, of our independence.

With every respect for the law of the land, and for the authority of courts of justice, I, at the same time, entertain a respect for the authority of Parliament, and for the privilege which its exercises, not for individual advantage, but for the instruction of the people, to whom it is most essential to know on what grounds their representatives legislate in their behoof, and for their benefit. Of the privilege of publishing information to any extent which the House may think fit, I will not abate one jot; — I will maintain the rights and privileges of Parliament, in that respect, to the utmost. But, while I do this, do I deny that Parliament ought, at the same time, to exercise the strictest vigilance with respect to the use which it makes of that privilege? I maintain that the House of Commons ought to have the privilege of publishing defamatory matter, where the publishing of such matter is for the public good, in the same manner that a person giving a character of his servant is protected from any consequences, even if that character be libellous, because such statement comes under the class of privileged communications. Why, Parliament may be and is called upon to become a wholesale libeller, in consequence of the duties it owes to the public; and it must be protected against the consequences of any pain so inflicted on individuals.

not maliciously or wilfully, but in the discharge of a public duty. Nay, I maintain that the duties of Parliament cannot be performed without this privilege; for our most important Acts are frequently founded on a succession of libels, in which individuals may be subjected to injury. Shall I, then, submit such a privilege to the judgment of any court in the world? With every possible respect for the judges now presiding in the Court of Queen's Bench, shall I subject a privilege of such high importance to the possibly political views of any particular chief justice? I agree with the Honourable and Learned Gentleman, that, if we were to make any concession of that kind, an attack might next be made on our freedom of speech; and, afterwards, all the other privileges which we enjoy, in order the better to enable us to perform our duties to the public, would be impugned. But I do not agree with the Right Honourable Member for Ripon that no care has been taken by Parliament to impose a check on the possible undue exercise of the power of publication. The Right Honourable Gentleman has, to-night, given notice of a motion for the appointment of a Committee to inquire whether any restriction is imposed upon the publication of printed papers by this House. This is an alteration of his original motion; for, on a former day, the Right Honourable Gentleman gave notice of a motion to rescind the order for the publication and sale of the printed papers.

Now, I am not about to argue with the Right Honourable Gentleman that the public and general sale, indiscriminately, of the printed papers of this House, does not produce an effect upon the public mind, with regard to the bearing of this question. But the Right Honourable Gentleman will not deny that, as regards the strictly legal offence, such an offence as constitutes a pretext for the interference of a court of law, the publication by public and general sale, indiscriminately, does not at all differ from the practice existing prior to the year 1834, when any Member could obtain half-a-dozen copies of any publication and send them down into the country. I quite admit the distinction in the popular sense; but I maintain that, in a legal sense, the old and the new mode of publication are one and the same. I regret the course taken by the Right Honourable Gentleman, in giving a notice, which is only for the present suspended, for a Committee to inquire into the practice which has existed and does exist, the restrictions which have been imposed, and the restrictions which it may be advisable to impose. It is only a few days since the Right Honourable Gentleman withdrew from a Committee, one of whose objects is, to inquire into the same subject; and if he had remained on the Committee, he would have known that they have given the subject their especial attention, and that they intend to lay a full Report before the House, in order that the House and the public may decide upon what has been done, what remains to be done, and what ought to be done. The Right Honourable Gentleman does not object to the Bill, provided some restriction be placed on the sale of the printed papers; — but that is nothing less than begging the whole question. But, suppose such a restriction to be imposed by the present House of Commons, what is to prevent some future House of Commons from withdrawing it? The Right Honourable Gentleman says, — "I do not intend to impose the restriction by parliamentary enactment; but when you have rescinded the practice, I will not object to an Act." But, the next House of Commons, maintaining the Act, may alter the practice, by its own authority, and again revert to publication and sale. Whatever may now be the popular impression on the subject, I do not doubt that when the Report of the Committee in question is published, they will see that every possible precaution has been taken to prevent the infliction of unnecessary pain upon individuals. No man can feel more strongly than I do the evils inflicted on individuals by some of the statements contained in the printed publications of the House; but, at the same time, I must say, on balancing the evils, I cannot but think that the injury to individuals is outweighed by the advantage conferred upon the public generally by the exercise of the privilege of publication.

I will now turn to the argument of the Honourable and Learned Gentleman opposite, with whom I am prepared to assert, to the fullest extent, the principle of publication. The Honourable and Learned Gentleman called upon the House not to pass the Bill — first, because it will not produce the advantages expected from it; and, secondly, because it will produce ulterior and injurious consequences. The Honourable and Learned Member says that the judgment of the Court of Queen's Bench is wrong. I hesitate to pronounce any opinion upon the judgment of those who are so much better qualified than I am to form a correct judgment; but, if it be right, it is a judgment most fatal to parliamentary privilege, and even to the existence of this House as a representative and legislative body. I am tempted to hope and believe, sanctioned by the opinion of many eminent authorities, that that judgment was as wrong in law, as I believe it to be unsound in constitutional doctrine. "But," says the Honourable and Learned Gentleman, "take care that you do not, by your proceedings now, confirm that judgment of the Court of Queen's Bench." The Honourable and Learned Gentleman, however, has failed to show how the Bill proposed to be introduced by the Noble Lord tends to confirm that judgment. There is not in the Bill any affirmation of the law contained in that judgment; nor is there any denial of it. The Bill of the Noble Lord simply affirms the importance of maintaining the privilege of publication enjoyed by the House of Commons; and gives the House certain powers which will enable it to exercise that privilege, without running the risk of inflicting unnecessary hardship upon individuals. Nothing can be more imperatively called for than such a measure, in order to put an end to the necessity of keeping the sheriffs in confinement. While I admit the necessity of the vote, I must say that I voted with the greatest reluctance for the commitment of two gentlemen of unexceptionable private character, against whose general conduct no charge has been made, but who, from being placed between two jurisdictions, could not escape the dilemma in which they were placed. Why did I vote for their confinement? Because it was necessary, in support of our authority, to give that practical proof that it was coequal and co-ordinate with the courts of law. You may say it is hard to commit gentlemen for not obeying you, under such circumstances. But I contend that we should have ceased to be co-ordinate and co-equal with the court if we had departed from enforcing the rule from which the court, so far as it is concerned, says there shall be no departure.

SIR E. SUGDEN. — Hear, hear!

LORD STANLEY. — The Right Honourable Gentleman cheers; but does he mean to say, if there be a contest between two co-ordinate authorities, one of whom has imprisoned the servants of the other, that, if one of those authorities, from a desire not to inflict hardship on individuals, give way, such conduct will not be an abandonment of its authority by the party yielding? Will it not subject the party so giving way to contempt? Why, this ground of hardship to individuals, alone, is reason enough for the interposition of the Legislature to prevent the repetition of such occurrences.

The Honourable and Learned Gentleman says that our other privileges will go, and that we are only tenants at will. Now, I do not admit that we are tenants at will, and I do not believe that the Noble Lord proposes to abandon one iota of the privileges which we now possess. At present, though our privileges and powers are great, our power of enforcing them is very limited. During the Session, we have the power of imprisonment; but when the Session closes, that power is at an end. We have no effectual power for the protection of those who obey our orders. We may commit those who commit them; and we shall thus be gradually approaching that point where law ceases, and the dominion of force begins. The continual exercise of the power of imprisonment can lead to nothing else; and it is because I see that point at no remote distance,—because the most serious consequences must follow the conflict of two co-ordinate authorities, with powers pushed to the extreme,—that I support the Bill of the Noble Lord, and am anxious to seize the opportunity of legislating on the subject. Do I propose to sacrifice our privileges? Not one of them. Do I affirm the judgment of the Court of Queen's Bench? Not at all. I believe it is not the intention of the Noble Lord to insert anything in the Bill which may contravene the judgment of the Court of Queen's Bench, and place us in collision with the highest court of law in the kingdom; but, if the Noble Lord introduce anything to affirm the judgment of that court,—if he do not seek to give effectual protection to our privileges,—I shall give the Bill my decided opposition. But what is the case with respect to our privileges during the recess? In what manner can you prevent actions from being brought, and parties from recovering and receiving damages? And what can you do? You can interpose your authority when Parliament meets. And how? By committing every person who has been at all instrumental in bringing or conducting the actions,—the plaintiff, the solicitor, the barrister, and, ultimately, the judges themselves; and, after all, you will be reduced to this disagreeable alternative,—you must suffer your officer to be plundered of the full amount of the damages obtained against him, or you must propose a vote to indemnify him, out of the public purse. While punishing with the one hand, you will be paying damages with the other. This is your present power of enforcing your privilege! And what says the Bill of the Noble Lord? It provides for a due investigation into the nature of the papers published, so as to prevent the abuses that are likely to arise from the indiscriminate publication of parliamentary documents; while, at the same time, it reserves within the breast of Parliament the right to decide what the extent of that restriction shall be. The Right Honourable Gentleman the Member for Ripon does not see that the Bill provides for the exercise of that restriction; but the effect of the Bill is to enable the House to impose certain restraints, to be decided on by itself, upon the exercise of the privilege of publication. Now the main effect of the Bill is, to maintain your privileges, by an effectual interposition, at the first step of any proceeding; and this will remove one of the great objections of the people of England and the courts of law to the exercise of this privilege, — the impossibility of duly supporting it without inflicting undue hardship on individuals who may be placed between two jurisdictions. The Bill, by confirming — not giving — the powers claimed by the House of Commons, will give to the people the security that your privileges are recognised by the law of the land; and, at the same time, it will give the judges a *locus standi*. They will be able to say, "Here are privileges asserted, confirmed, and supported by law; and a course laid down, which we are bound to obey;" and then will be removed the most formidable objection that has been raised against this privilege. I ought to apologise to the House for having taken up so much of its time on the present occasion. I have looked at the question with the most intense interest, from the commencement of these proceedings; and I hope that we are likely to effect such a settlement as shall prevent any further interference with the public business, and put a stop to contentions, which must eventually lead to the interruption of the closest social ties. Whatever may be the result of this Bill in another place, — and God forbid that there should not be sufficient temper, good sense, or candour to deal with in the earnest desire to come to a satisfactory settlement of it, — it is our duty, while we maintain and enforce our privileges, to seek, at the same time, honestly to enforce them, and to place them on the basis of satisfactory legislation.

Mr. O'CONNELL. — Sir, I think the subject now under discussion is so important, that it cannot satisfactorily be concluded at this late hour; and I shall therefore move that the debate be adjourned.

Debate adjourned till this day.

BOROUGH WATCH RATES.

On the motion of Mr. Baines, Act (2 & 3 Vic.) read; Bill to amend, ordered to be brought in by Mr. Baines and Mr. Lascelles.

CONTROVERTED ELECTIONS.

On the motion of Sir George Clerk, Select Committee appointed, "to consider in what manner the regular service of the notices required by the Act to amend the jurisdiction for the trial of controverted elections may be best secured, and to report their opinion thereupon to the House:" — Sir George Clerk, Lord John Russell, Sir Robert Peel, Sir James Graham, Lord Viscount Howick, Sir Thomas Fremantle, Mr. Ord, O'Conor Don, Mr. Greene, Sir George Grey, Mr. Sanford, Mr. Solicitor General, Sir William Follett, Mr. Strutt, Mr. Wilson Patten. — Power to send for persons, papers, and records; five to be the quorum. Minutes of evidence taken at the bar on Friday last, referred to the Committee.

UNION WORKHOUSES.

On the motion of Mr. John Parker, Bill for the exemption of union workhouses from the payment of rates and taxes, ordered to be brought in by Mr. John Parker and Mr. Solicitor General. — Bill subsequently presented, and read a first time; to be read a second time on Monday next, and to be printed.

FACTORIES ACT.

LORD ASHLEY. — I beg to nominate the following Committee on the Factories Act: — Lord Ashley, Mr. John Fielden, Mr. Strutt, Mr. Hindley, Mr. Greg, Mr. Brotherton, Mr. Robert Steuart, Mr. Pakington, Mr. Baines, Mr. Aglionby, Mr. Brocklehurst, Sir Edward Sugden, Mr. Sheil, Mr. Fox Maule, and Sir George Strickland. — Power to send for persons, papers, and records; five to be the quorum.

On the question being put, —

LORD TEIGNMOUTH said: — I have no doubt that the intentions of the Noble Lord are most benevolent, and that, at some future day, he will be enrolled amongst the best benefactors of his country; but there are some clauses in this Act, to which I regret the Noble Lord has not paid sufficient attention;—I mean the education clauses,—in which the most important principles are involved. These clauses I consider to be of much greater importance than those which refer to the time of labour; and I have no doubt the country would entertain the same opinion, if the question were fully understood. I wish to call the attention of the Noble Lord to the fact, that, out of the fifteen Gentlemen selected by him, there are no less than twelve who, on the great question of education, directly committed themselves against those principles which are deemed paramount, on this side of the House. Then, with respect to the remaining three. Of my Noble Friend himself, I believe this; — no one will act more strictly up to the principles which he professes; but I expected that he would have proposed some Honourable Members who were on the Education Committee, of which the inquiries went to the root of the factory system. I have no doubt that the other two Gentlemen entertain the most conscientious opinion on the subject of education; but they were not on that Committee, nor did they express their opinion, in the course of the debates which took place on that subject. I lament to say, that, in the factories, the system of education is most unsatisfactory; and I could state such facts as would completely astonish the House. I will, however, only mention one. In company with a clergyman, I visited the factory of Mr. M'Connell, which has been held up by Mr. Inspector Horner as a model of perfection. A variety of questions were put to the children, which they answered most admirably; but when questioned on the subject of religion, they were utterly ignorant of the simplest points. The reverend gentleman asked Mr. M'Connell if he had not a New Testament in the school? and he replied in the negative; stating that there were the children of Socialists in the school, who objected to its introduction. The Report stated that the system of instruction was a general one; but not a word was said on the subject to which I have alluded. I believe it stated that music and geography had been introduced: but Mr. Owen went farther, for he introduced dancing; and, no doubt, the children would hear blasphemy from the same lips.

[Cries of "Question!"]

DOCTOR LUSHINGTON. — I do not wish to enter into any debate on this subject; but I must enter my protest, in the strongest manner, against such an attack on Mr. Horner, in the present state of the House, and when no debate was expected to arise. That gentleman is well known to many Members of the House; and, I believe, has never before been accused of a neglect of religion; and I have not the least doubt, when an opportunity shall occur for the vindication of his character, that he will be proved to be entirely free from all blame.

LORD TEIGNMOUTH. — The Right Honourable and Learned Member has taken upon himself to accuse me of coming forward, at a late hour, to make a statement relative to Mr. M'Connell: I beg to say, that I entered into the subject at greater length, last year, in a House of not less than 120 Members; and from that time to the present, I have not heard of any counter statement. I am ready, at any time, to prove the truth of what I have stated.

Mr. HINDLEY.—The education clauses are not in accordance with the wish of the manufacturers, who object to a principle being applied to them, which is not applicable to the country at large.

LORD ASHLEY. — I must say, that I have been taken completely by surprise, by the observations of the Noble Lord, from whom I did not expect any such reproof. I think the Noble Lord has totally mistaken the object of this Committee. It is, to inquire into the operation of the Act, in order to see how far its provisions have been efficient; and, above all, to ascertain whether two hours have been set apart for the purpose of education. When the Act was originally passed, the quality of the education never entered into the consideration of the House. It was left to the option of the master and the parents of the children. With respect to the construction of the Committee, I do not think there is any cause of complaint; for no difference of opinion can be entertained on the subject of their inquiries.

Committee nominated.

MR. SHERIFF EVANS.

CAPTAIN POLHILL. — Since I gave

notice of a motion for the discharge of Mr. Sheriff Evans, I have been informed that the Right Honourable Baronet the Member for Pembroke intends to bring forward the subject in a manner which will be more in accordance with the wishes of the House. I have seen the sheriff in the course of the evening; and he expressed his wish to be set at liberty on parole; but if the House will not consent to do so, he is ready to give bail to any amount. I understand that the proposal of the Right Honourable Baronet is, to liberate the sheriff on bail; and I trust the House will agree to it, *nemine contradicente*. I now beg to withdraw the motion of which I had given notice.

Motion, by leave, withdrawn.

SIR J. GRAHAM. — After the conversation which took place the other night, I was in hopes that the Noble Lord the Member for Northumberland would have given notice of a motion for some relaxation in the custody of the sheriff. I understand that the Noble Lord has no such intention; and therefore I beg to give notice that, to-morrow, upon the Order of the Day being read for going into Committee of Supply, I shall move "That, on consideration of the evidence of Mr. Freeman and Dr. Chambers, given at the bar of this House, with respect to the present state of the health of Mr. Sheriff Evans, who is in custody, the Sergeant-at-Arms attending this House do take such bail of Mr. Sheriff Evans as shall be approved by Mr. Speaker, for the attendance of Mr. Sheriff Evans on the House of Commons during the present Session of Parliament, whenever he shall be thereunto required by any order of this House; notice in writing of such order being left at the dwelling house of Mr. Sheriff Evans; and that Mr. Sheriff Evans, upon giving such bail, be discharged out of the custody of the Sergeant-at-Arms attending this House."

RETURNS, &c.

Court of Chancery Copying Clerks. — On the motion of Mr. HUME, account ordered —

Of the amount of the sums of money received or taken in each year, since the 1st day of January, 1837, by each of the copying or writing clerks of the Masters in ordinary of the High Court of Chancery for copies or transcripts made by them, under sec. 40. 3 & 4 Will. IV. c. 94.; specifying the number of folios for which such sums were received (in continuation of an account of 22d February, 1837).

Wheat. — On the motion of SIR C. LEMON, Address for —

Returns of the highest and lowest annual average price of wheat, and the difference per cent. between 1815 and 1838, in England and in the following countries: — Prussia Proper, Posen, Brandenburg and Silesia, Saxony, Westphalia, the Rhenish provinces, Sweden, Bordeaux, Lisbon, Hamburg, Rotterdam, Dantzig, Petersburg, Riga, Trieste:

Of the highest and lowest prices of wheat, and the difference per cent. in each of the years from 1829 to 1838 inclusive, in each of the following countries: — England, Dantzig, Rotterdam:

Of the highest and lowest weekly averge prices of wheat in England, and the difference per cent. during each year, from 1829 to 1838 inclusive:

The same in the following places: — Odessa, Memel, Dantzig, Hamburg, Amsterdam, Rotterdam, Brest, Bordeaux, Ancona, Washington, and New York:

Aggregate average of the extreme yearly differences between 1829 and 1838 (so far as these Returns can be made out from documents readily accessible).

Education (Ireland). — Copies presented — of applications made by clergymen of the synod of Ulster to the Board of Education in Ireland for aid to schools (ordered 13th February).

Ecclesiastical Commission.—Copy presented — of the Report of the Ecclesiastical Commissioners for Ireland to the Lord Lieutenant (by Act).

Prisons.—Copies presented—of all Reports, and of Schedules B, transmitted to the Secretary of State (by Act).

China. — Copies presented — of correspondence relating to China (by command).

Severally ordered to lie on the table.

Adjourned at half after one o'clock.

HOUSE OF LORDS, VENERIS, 6° DIE MARTII, 1840.

The EARL of SHAFTESBURY sat Speaker.

WOLVERHAMPTON CHAPEL BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

SMALL TENEMENTS.

Petition of magistrates of the county of Surrey, in general quarter session assembled, praying for alteration of the law respecting the rating of.—Read, and ordered to be received as the petition of the chairman, who, only, has signed it.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.—LANCASTER AND PRESTON RAILWAY BILL.

Brought from the Commons, and read a first time.

SWAIN'S NATURALISATION BILL.

Returned from the Commons, agreed to.

LADY MARY RUTHVEN.

Petition of, for a Bill.—Read, and referred to judges in Scotland.

THOMAS BACON; JOHN ANGERSTEIN; SAMUEL TRAVIS; JOSEPH SHORE; SIR FRANCIS FLETCHER VANE, BART.; DUKE OF BRIDGEWATER'S TRUST (No. 1.); DUKE OF BRIDGEWATER'S TRUST (No. 2.).

Petitions of, for Bills.—Read, and referred to two English judges.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

PERRY'S DIVORCE (INDIA) BILL.

Read a second time, and committed to a Committee of the whole House on Monday next.

DEANE'S DIVORCE.

A Bill, "to dissolve the Marriage of Joseph Groome Deane with Rachel, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned."—Presented (on petition), and copy of proceedings in Ecclesiastical Court delivered (on oath); Bill read a first time, and ordered to be read a second time on Tuesday, the 24th instant; and the Lords summoned, and the usual orders made.

CORN LAWS.

The DUKE of BUCKINGHAM.—My Lords, I hold in my hand petitions from certain owners and occupiers of land in the parish of Hurst, and in Waltham, Saint Lawrence, in Berkshire, against any alteration in the corn laws. I trust I need not say that I cordially support the prayer of these petitions; and I hope that the exertions of that unholy league—the anti-corn law league—will be defeated, and meet the fate they deserve.

LORD DE VESCI.—My Lords, I have to present a petition to the same effect, signed by the high sheriff of the county of Clare, on behalf of magistrates, gentry, and clergy of the county of Clare, assembled at a public meeting convened by him. The petitioners most earnestly deprecate any change in the present system of corn laws, and represent, in strong terms, the way in which any change in that system must affect a country in which there are few manufactures, and where, consequently, agricultural employment forms the principal resource of the population. I trust that your Lordships will not regard this petition the less because it has come from a country so situated. In Ireland, it is not only the interests of the landed proprietors which are involved in the question of a protective duty on corn, but the very subsistence of the great body of the people depends on its maintenance.

Petitions severally read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The **EARL of ABERDEEN** presented petitions in favour of the principle of non-intrusion, — of ministers, elders, and others of Brownfield, Glasgow; and Peterhead: of members and hearers of Hope Street Gaelic Church, Glasgow: and of inhabitants of Arhilor; Carnoch; Portsoy; Holytown; Leswalt; Aberdour; Lochcarron; Inveraray; and Iona. — Read, and ordered to lie on the table.

The **DUKE of RICHMOND** presented a petition complaining of an interdict issued by the Court of Session, prohibiting certain clergymen from preaching, and praying protection for said clergymen, and for an adjustment of the question in dispute, — of inhabitants of the parish of Kennethmont. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The **MARQUESS of BUTE** presented a petition for the further endowment of, — of inhabitants of Aberdour. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The **DUKE of BUCKINGHAM** presented a petition against any further grant of money for the support of, — of members of the Bath Church of England Lay Association. — Read, and ordered to lie on the table.

CORN LAWS.

LORD REDESDALE and the **EARL of ABERDEEN** presented petitions against alteration, — of inhabitants of Heanton Punchardon; Sandford; and Marwood.

Petition for repeal of, — of the town council of Hawick.

Read, and ordered to lie on the table.

CHURCH EXTENSION.

The **EARL of ABERDEEN**, in the absence of the **EARL of DEVON**, presented petitions in favour of, — from Middle Chinnock and West Chinnock. — Read, and ordered to lie on the table.

BERGARA CONVENTION.

The MARQUESS of LONDONDERRY. — I wish to ask the Noble Viscount opposite when the papers relating to Bergara will be laid on the table? also, whether the Government has received any information from our ambassador in Spain relative to the state of siege in which the capital of that country appears to be at present? and, also, whether they have received any communication from our ambassador in Spain on the subject of the very flourishing state of the finances of that country, described in the Queen of Spain's speech to the Cortes? If that description be correct, the Spanish Government, surely, can now afford to pay the comparatively small sum due to the legion.

VISCOUNT MELBOURNE. — I beg to inform the Noble Marquess that the papers relating to Spain will be presented as soon as they possibly can be made out. With reference to the second question, I believe the Government are not in receipt of any information respecting late events in Spain.

LIVERPOOL EAST INDIA WAREHOUSE COMPANY BILL.

Brought from the Commons, and read.

SELECT COMMITTEE ON THE PETITION OF THE EAST INDIA COMPANY FOR RELIEF.

Henry Gouger, Esquire, of Chester Square, ordered to attend on Monday next.

HORSE-RACING ACT IN PART REPEAL BILL.

On the motion of the **DUKE of RICHMOND**, Order of the Day for the House to be put into committee, and the Lords to be summoned, read: House in committee accordingly, and went through the Bill without amendment: amendments made; Bill to be ingrossed; and to be read a third time on Monday next; and the Lords summoned.

PAPERS, &c.

Correspondence relating to China, delivered (by command), and ordered to lie on the table.

Reports of the Assistant Handloom Weavers Commissioners (parts 2. and 3.); (delivered by command, on the 3d of February last). — To be printed.

Account of the number of motions heard by the Lord Chancellor, during four years ending 22d November, 1834: Also, an account of the number of orders on petitions, during the same time. — Delivered (pursuant to order of the 20th of January last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were severally presented, and read a first time, and ordered to be read a second time; namely,—

Wilsontown Road Bill,—"To alter and amend certain Acts for making and maintaining a Road from the Limits of the Counties of Edinburgh and Lanark, by Wilsontown, into the Burgh of Lanark, with a Branch towards Ravenstruther, in the said County of Lanark, and for other Purposes relating thereto."

Farmers' and General Fire and Life Assurance Company Bill,—"To enable the Farmers' and General Fire and Life Assurance and Loan and Annuity Company to sue and be sued in the Name of the Manager, Chairman, or any one of the Directors, or the Secretary of the said Company."

Birmingham and Gloucester and Bristol and Gloucester Railways Union Bill,—"For empowering the Birmingham and Gloucester and Bristol and Gloucester Railway Companies to treat with the Cheltenham and Great Western Union Railway Company for the Purchase of a Portion of their Undertaking; and for authorising the Union of the two first-mentioned Companies."

Rocester and Derby Junction Road Bill,—"For making certain Roads and Branches connected with the New Bridge now erecting over the River Dove, near the Village of Rocester, Turnpike, with proper Deviations, Works, and Conveniences, and new Pieces of Road connected therewith, and Approaches thereto, in the Counties of Derby and Stafford."

Nottingham Lighting Bill,—"For better lighting the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham."

Clackmannan and Perthshire Roads Bill,—"To alter and amend several Acts for making, maintaining, and keeping in repair certain Roads in the Counties of Clackmannan and Perth, and for other Purposes relating thereto."

Ochil (Clackmannanshire) Roads Bill,—"For maintaining and repairing the Road from Causeway Head, near Stirling, through the County of Clackmannan, by the Foot of the Ochil Hills, towards Queensferry, and certain Roads branching out of the same."

Tadcaster and Halton Dial Road Bill,—"For repairing and maintaining the Road from Tadcaster to Halton Dial, and for making and maintaining a new Road from Seacroft to and into the Highway leading from Scholes to Barwick-in-Elmet, all in the West Riding of the County of York."

Strood Church (No. 1.) Bill,—"To amend an Act for enlarging the present, or providing a new Workhouse for the Use of the Parish of Strood, in the County of Kent; for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto."

Islip and Stanion Road Bill,—"For making and maintaining a Turnpike Road from Thrapston Bridge, in the Parish of Islip, to the Kettering and Stamford Turnpike Road, in the Parish of Stanion, all in the County of Northampton."

Barkston Ash, &c. Court of Requests Bill,—"For extending the Jurisdiction of the Barkston Ash and Skyrack Court of Requests, and the Powers and Provisions of the Act passed constituting such Court, to certain Places in the West and East Ridings of the County of York, and amending the same Act."

Edinburgh Silk Yarn Company Bill,—"For establishing and regulating a Company, to be called 'The Edinburgh Silk Yarn Company,' and to enable the said Company to purchase certain Letters Patent."

Duffryn Llynvi Railway Bill,—"T enable the Duffryn Llynvi and Porth Cawl Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Railway, and to the

Bay of Porth Cawl, in the County of Glamorgan."

Bristol and Exeter Railway Bill, — "To amend and enlarge the Powers and Provisions of the Acts relating to the Bristol and Exeter Railway."

Protestant Dissenters' Assurance Company Bill. — Committee revived; leave given the Committee to sit, and proceed on Tuesday next.

Crown Point (Leeds) Bridge and Roads Bill. — Committee revived; leave given the Committee to sit, and proceed on Monday next; and that four be the quorum.

Reports from the Select Committee on Standing Orders were severally read, in the following cases, and Bills ordered to be brought in, as follows: —

Royal Naval School Incorporation, — By SIR THOMAS TROUBRIDGE and CAPTAIN MEYNELL.

Port Talbot Harbour, — By Mr. MANSELL TALBOT and Mr. NICHOLL.

Cheshire Coroners, — By Mr. GEORGE WILBRAHAM and Mr. TATTON EGERTON.

London and Greenwich Railway Enlargement and Station. — Resolution (26th February) read; Bill ordered to be brought in by CAPTAIN ALSAGER and Mr. KEMBLE.

Petitions for Bills, in the following cases, were severally reported, and Bills ordered to be brought in, as follows: —

Austin's Patents, — By CAPTAIN ALSAGER and Mr. GEORGE PALMER.

Dundalk Harbour, — By Mr. REDINGTON and Mr. BELLEW.

Newcastle upon Tyne and North Shields Railway, — By Mr. BELL and Mr. ORD.

Sandon Inclosure, — By Mr. ALSTON and LORD VISCOUNT GRIMSTON.

Birmingham, Bristol, and Thames Junction Railway, — By LORD WORSLEY and Mr. HUME.

Warminster Roads Bill. — Reported; Report to lie on the table.

Thames Tunnel. — Petition for leave to present a petition for a Bill, reported; leave given.

Kollmann's Patents. — Petition for Bill reported; Report to lie on the table.

Swain's Naturalisation Bill. — Reported, without amendment.

Liverpool East India Warehouse Company Bill; Edinburgh Market and Petty Customs Bill, — Read a third time, and passed.

Edinburgh Gas Bill. — Reported; to be ingrossed.

Edinburgh and Leith Gas Bill. — Read a third time; clause added; amendments made; Bill passed.

Promoli's Naturalisation Bill; Hewburg's Naturalisation Bill. — Read a first time; to be read a second time.

Greenock Improvement Bill. — Petition of the Sun Fire Insurance Company, and of the Scottish Union Fire and Life Insurance Corporation and Secretaries, against.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Petition of the Reverend Egerton Arden Bagot, against.

Birmingham and Wyrley Canals Union Bill. — Petition of the company of proprietors of the Coventry Canal Navigation, against.

Severally referred to the Committees on the Bill; and counsel ordered.

West Stirlingshire Roads. — Petition of Archibald Grahame, for permission to proceed with the Bill. — To be taken into consideration upon Monday next, and to be printed.

Thames Tunnel. — Petition for Bill. — Referred to the Select Committee on Petitions for Private Bills.

Wicklow Harbour. — Petition for extending the time for giving evidence on the Standing Orders for three weeks, and for bringing in the Bill within one week after the Report that the Standing Orders have been complied with. — Referred to the Select Committee on Petitions for Private Bills.

Birmingham and Warwick Junction (Bordesley) Canal Bill. — Petition of Charles Lamb and others, against. — To lie on the table.

PRIVATE BILLS.

Resolution (17th January), "That no

Private Bill be read the first time after Monday, the 9th day of March next;" read, and rescinded.

Resolved, That no Private Bill be read the first time after Tuesday, the 10th day of this instant March.

Resolution (17th January), " That this House will not receive any Report of such Private Bill after Monday, the 1st day of June next;" read, and rescinded.

Resolved, That this House will not receive any Report of such Private Bill after Tuesday, the 2d day of June next.

Resolutions to be printed.

STANDING ORDERS COMMITTEE.

Resolutions reported —

1. That, in the case of the Old Brompton (Victoria) Kensington roads petition, the Standing Orders ought not to be dispensed with.
2. That, in the case of the London and Greenwich Railway Station petition, the parties be permitted to proceed with their Bill.
3. That, in the case of the Bolton Small Debts petitions, for additional provision, the Standing Orders ought not to be dispensed with.
4. That, in the case of the Port Talbot Harbour petition, the parties be permitted to proceed with their Bill, on inserting forthwith the notices in the *Gazette* required by the Standing Orders.

6. That, in the case of the Cheshire coroners' petition, the parties be permitted to proceed with so much of their Bill as does not give any power to make compensation to the present coroners, upon giving forthwith such notices as are required by the Standing Orders; and that the Committees on this and the preceding Bill do examine, in the first place, how far such orders have been complied with, and do report the same to the House on the Report of the Bill.

Second, fourth, and fifth resolutions agreed to.

Report to lie on the table.

GLASGOW, PAISLEY, KILMARNOCK, AND AYR RAILWAY BILL.

Motion made, by **LORD JAMES STUART**, and question proposed, " That it be an instruction to the Committee on the Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill, to hear William Macdowall, Robert Wylie, the magistrates and council of the burgh of Prestwick, Alexander Murdoch, and William Henry Duke of Portland, upon their petitions respectively, by themselves, their counsel, and agents, against such parts of the said Bill as affect their several rights and interests."

MR. GREENE. — I am sorry, Sir, to be obliged, so often, to come forward in opposition to motions of this description; and never have I done so in a case where the parties claiming to be heard have shown so little ground in support of their application, as in this. They really do not put forward, in their petition, one single good ground for being heard. They complain that they live at a distance. Why, Sir, that is a very easy complaint to make. Distance is only a comparative term; and every one may consider himself at a greater distance than enables him to comply with the order of the House. They also complain that they were taken by surprise. I cannot understand how that can be; for every possible notice was given. The House is aware that ten days must elapse between the presentation of the petition for the Bill and its first reading; and, in this case, the parties had from the 14th of one month to the 5th of the next, to inform themselves upon the subject of this Bill. If our rules are worth making, they are worth standing by; and I hope, therefore, that the Noble Lord will not press his motion.

Motion, by leave, withdrawn.

PUBLIC BUSINESS.

PUBLIC PETITIONS COMMITTEE.

Twelfth Report brought up and read. — To lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and severally ordered to lie on the table; namely,—

Church of England, — By **SIR R. PEEL**, **CAPTAIN ALSAGER**, and **MR. FILMER**, for extension,—from West Tytherley; Staplehurst; Haslemere; Darrington; Newark; and Kingston upon Thames.

Church Patronage (Scotland), — By **MR. COLQUHOUN**, **MR. ELLIOT**, and **CAPTAIN GORDON**, for alteration of the law, — from Cumbernauld; Garvoch; Loudown; Helensburgh; Kirkpatrick Fleming; Caputh; Cardross; Callander; Dreghorn; Camlachie; Melrose; Glammiss; Portree; Kelso; Muirkirk; Boindie; Duntocher; Westerkirk; Marnoch; Kilmaurs; Yester; Beath; Arhilor; Botriphnie; Ordiquhill; King Edward, Aberdeen; Marykirk; Dornoch; Braccadale; Old Kilpatrick; Aberdour; Rogart; Kilmorie; moderator of the Presbytery of Edinburgh; Birse; Oyne; Ellon; Drumonk; Belhelvie; Udny; Forgue; Longside; Newhills; and Clatt.

By Sir R. Peel, against alteration of the law, — from Oyne; Alford; Garrioch; Insch; and Meigle (moderator).

By Mr. Hastie, — from Paisley, for provision in any alteration of the law.

Maynooth College, — By Mr. Packe and Lord G. Manners, against further grant, — from Yeovil; Bagworth; Thornton; Burghfield; Hawkhinge and Uphill; and Ashby-de-la-Zouch.

Church Rates, — By Mr. Brotherton, Mr. Sanford, and Mr. T. Duncombe, for abolition, — from Macclesfield; South Ockendon; Wellington; Salford; and county of Huntingdon.

Corn Laws, — By Mr. Greg, Mr. Lister, Mr. Elliot, Lord A. Paget, and Mr. Hume, for repeal, — from Little Horton; Lichfield; Coldstream; Northenden; Shebbear; Milton Damrel; Bradworthy; Sitcombe; Tonge with Haulgh; West Putford; Carnoustie; and workers in Port Eglinton carpet factory, Glasgow.

By Mr. R. Palmer, and other Honourable Members, against repeal, — from Newbold upon Avon; Thurlaston; Newton and Biggen; Hill Morton; Dunchurch; Frankton; Cosford; Churchover; Clifton upon Dunsmore; Church Lauford; Brownsover; Baddesley Clinton; Bilton; Little Packington; Over Whitacre; Bourton and Draycote; Lea Marston; Nether Whitacre; Middleton; Minworth; Maxtoke; Curdworth; Corley; Wishaw and Moxhill; Coleshill; Shustoke; Bickenhill; Princethorpe; Ryton upon Dunsmore; Stretton upon Dunsmore; Willoughby; Berkeswell; Fillongley; Boxford and other places; Chaddleworth and other places; Waltham St. Laurence; East Ilsley; Kintbury; Stanford; Compton and Aldworth; East Garston; Faringdon; Wantage; Shalbourn Ham, Buttermere, and Tidcombe; Hungerford; Bradfield; Englefield and other places; Chieveley; Hampstead; Aldermaston and other places; Thatcham; and Hurst.

Queenborough Corporation, — By Mr. Bernal, — of free burgesses of Queenborough, complaining of abuses in the constitution of the corporation of that borough.

China, — By Lord Sandon, — of the Committee for Suppression of the Culture and Sale of Opium, for suppression of the traffic in opium to that country.

Newport Riots, — By Mr. Hume, — from Kirkaldy, praying for a free pardon to Frost, Williams, and Jones.

Universal Suffrage, &c., — By Mr. Hume, in favour, — from Robert Whyte; and cotton spinners in Calton of Glasgow.

Sale of Beer Bill, — By Mr. Hume, against, — of James Ayliff.

Copyright Bill, — By Mr. Hume, against, — from St. George in the East, London.

Ecclesiastical Duties and Revenues Bill, — By Sir J. Walsh, — from Risley and Breaston, suggesting alterations.

Printed Papers, — By Sir R. Inglis, Sir E. Sugden, and Mr. Pattison, for discharge of the sheriff, — from Thrapston; ward of Aldersgate, London; London merchants and others; and West Haddon.

By Mr. Vernon Smith, — Petition of the mayor of Northampton, in support of privileges.

By Sir E. Sugden, — of John Joseph Stockdale, against any Bill to give summary protection to persons employed in the publication of parliamentary papers.

Medical Profession, — By Mr. Hume, — of William and James Cooper, for reform.

Church Establishment (Colonies), — By Mr. H. J. Hope, — from Cheltenham, for extension.

J. F. F. Wright, — Of John Faithful Fortescue Wright, complaining of his dismissal from the marines, and praying for inquiry.

Stade Duties, — By Mr. Baines, — from Leeds, for the removal of the Stade duties, imposed by authority of Hanover on the navigation of the Elbe.

Newport Riots, — By Mr. T. Duncombe, — of Arthur Dyson, for inquiry into the nature of the imprisonment and state of health of Henry Vincent, now confined in Monmouth gaol.

On presenting this petition, —

Mr. T. DUNCOMBE said: — The petitioner describes himself as the friend of Vincent, and states that Vincent is very ill; and that, as the House has liberated Mr. Sheriff Wheelton from confinement on the ground of ill health, — and as he is sure that the House would not wish to make a distinction in the administration of the law between the rich and the poor, he prays that it will adopt such steps as it may deem fit to procure the release of Vincent.

Designs Copyright Bill, — By Sir R. Peel and Mr. G. W. Wood, — three petitions from Manchester, in favour. — Referred to the Select Committee on the Bill.

Railways. — Petitions for relief from the tax on passengers, — from the Edinburgh and Dalkeith Railway Company; and the Arbroath and Forfar Railway Company.

Petition of William Joseph Curtis, for the adoption of measures for reducing the risk and promoting the convenience of travelling by railways. — Referred to the Select Committee on Railway Communication.

REGISTRATION OF VOTERS (IRELAND) BILL,

"To amend the laws relating to the registration of voters in Ireland." — Presented, and read a first time; to be read a second time on Wednesday, the 25th of March, and to be printed.

PAPERS.

British Guiana. — On the motion of Mr. Emerson Tennent, Address for —

Copy of, or extracts from, the memorial of Mr. Schomburgk, who lately explored the interior of British Guiana, under the directions of the Geographical Society of London, addressed to the Governor of that colony, and laid before the Court of Policy at Demerara on the 1st day of July, 1839, relative to the grounds of the claim advanced by the state of Venezuela to that portion of British Guiana situated between the rivers Oronoco and Marocco, on the west, and to the claim of the Brazilian Government to that portion lying between the Essequibo and the Rio Branco on the south and west:

Also, a copy of, or extracts from, any despatches received by Her Majesty's Government relative to the invasion in 1838 of that portion of British Guiana lying on the eastern side of the river Tacutu, by a detachment of Brazilian militia under the command of Senhor Duarte, and the forcible deportation into slavery of a body of Indians residing under the protection of Great Britain, on the pretext of impressment for the Brazilian navy; and the dispersion, in 1839, by a Brazilian force, under Senhor Pedro Ayres, of the Protestant mission under the auspices of the Church Missionary Society of England, established at Pirara, a village of the Macusi Indians, within the territory of British Guiana.

Greenwich Hospital. — Annual Return — presented, for the year 1839 (by Act). — To lie on the table.

MESSAGE FROM THE LORDS,

That they have agreed to Wolverhampton Chapel Bill, with amendments.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

SIR GEORGE SINCLAIR. — I rise to give notice of my intention, on the motion for the third reading of the Irish Municipal Bill, to move that it be read a third time that day six months. Perhaps the Noble Lord will say whether it is his intention to move the third reading on Monday?

LORD JOHN RUSSELL. — Yes; the first thing on Monday.

SALT DUTIES.

CAPTAIN CHARLES HOPE. — If the Right Honourable Gentleman the Chancellor of the Exchequer were in his place, I would ask whether, among the new taxes to be imposed, it is intended, by the Government, to put an additional duty on salt? I do not expect the Noble Lord will answer the question; but, perhaps, he will state at what period the House may expect the Chancellor of the Exchequer to make his declaration as to what new taxes are to be imposed.

LORD JOHN RUSSELL. — The subject will be brought forward immediately after Easter.

CONSTABULARY.

LORD GRANVILLE SOMERSET. — I beg to ask the Noble Lord whether he can give me any information with respect to an order of this House for a

Return of the number of counties and districts which have adopted the constabulary force? That Return, I believe, has been laid on the table of the House of Lords; and I cannot understand why it has not been laid on the table of the House of Commons. I wish, also, to know whether the Noble Lord has any objection to a Return of the expenses incurred by the Act, and the probable addition that will be made to the county rate?

LORD JOHN RUSSELL. — I do not know why the first Return alluded to by the Noble Lord has not been laid on the table of the House. To the other Return I have no objection; but some time would be required in making it.

UPPER CANADA.

Mr. HUME. — I beg to ask whether the situation of Chief Justice of Upper Canada is vacant? because I understand that the Chief Justice has not been for the last year and a half in that country. From the situation in which the province of Upper Canada at present is, it seems to me important that the Chief Justice should be there; or, if he be not wanted, that the office should be abolished, to save the salary.

LORD JOHN RUSSELL. — I recently represented to the Chief Justice that it is very desirable that he should proceed to Canada with as little delay as possible; but, in consequence of a death in his family, he is unwilling to leave this country until early in April, when it is his intention to proceed to Upper Canada.

Mr. HUME. — I wish to know if the Habeas Corpus Act is still suspended in Lower Canada?

LORD JOHN RUSSELL. — An *ordonnance* was passed for suspending the Habeas Corpus Act, under the government of Sir John Colborne, and I believe that it has been since renewed.

CHINA.

SIR JAMES GRAHAM. — Not seeing the Noble Lord at the head of the Foreign Department, or any Honourable Member connected with the Admiralty, in his place, I beg to ask the Noble Lord the Secretary for the Colonies a question relative to the Chinese papers which were laid on the table at a late hour last night. I do not find in those papers any account of some most important transactions mentioned in the last accounts received in England, — namely, that the port of Canton had been declared in a state of blockade by Captain Elliott; that a remonstrance had been made on the part of certain American merchants against the blockade of the port of Canton; and, also, that an action had taken place between certain Chinese vessels of war and some of Her Majesty's fleet. I wish to know whether Her Majesty's Government are in possession of any information with respect to the blockade or the action to which I allude; and, if so, whether it is their intention to lay it upon the table?

LORD JOHN RUSSELL. — No official account has been received of the naval action, or of the transaction to which the Right Honourable Gentleman alludes. Private letters, only, have reached this country from Captain Elliott and Captain Smith. When any official accounts are received, there will be no objection to lay them before the House.

SIR JAMES GRAHAM. — I have been informed that a letter was addressed by Captain Elliott to the late Admiral Maitland, giving an account of the blockade, and that that letter was transmitted, by the late Admiral Maitland, to the Admiralty. Surely that is an official communication to the Government; and I presume Her Majesty's Government will not object to lay that document before the House.

LORD JOHN RUSSELL. — There were letters of that kind; but they are not letters that contain any narrative of the transaction; and I do not think they are letters that can be laid before the House. However, I will not give a positive answer without referring to the letters themselves.

EXCHEQUER BILLS.

Mr. GOULBURN. — I beg to ask the Secretary for the Treasury, as the Chancellor of the Exchequer is not present, whether it is true that the interest on Exchequer bills has been raised from 1¾*d*. to 2¼*d*.? There is such a report afloat; and I think it is important that the country should know whether there is any truth in it, or not.

Mr. E. J. STANLEY. — I presume the statement to be correct; but I cannot, in the absence of my Right Honourable Friend, give a positive answer.

PRINTED PAPERS.

Order read, for resuming the adjourned debate on question (5th of March), "That leave be given to bring in a Bill to give summary protection to persons employed in the publication of parliamentary papers."

Question again stated.

Mr. O'CONNELL. — The House having already heard at length the various opinions entertained upon this subject, I shall trespass but a very short time upon its attention. The plan of proceeding which is now proposed by the Noble Lord is not, in my opinion, consistent with the honour, the dignity, or the safety of this House; and I therefore enter my solemn protest against it. Let it be remembered, that that for which we are struggling is the power of giving information to the public — of giving to the public the grounds upon which the proceedings of this House are carried on. We claim nothing for ourselves; our entire struggle is for the public. It ought, then, to be a popular struggle; and, once it is properly understood, it necessarily will be so. It cannot but be regretted, that persons who stood forward at one time as the champions of the liberty of the press — who would have it secured from prosecutions by *ex officio* informations, and free from prosecutions by the Crown, — it must be regretted that there should be seen men of that stamp now taking part against the House of Commons in the right that it is contending for. What we are contending for is that which, under every variety of circumstances, we have enjoyed for 200 years; namely, a right of publishing, where a party's proceedings render it necessary, defamatory matter. That we have been publishing for 200 years, not only with impunity, but unassailed. The public acquiesced in the propriety of publishing that information during the whole of that period, although hundreds and thousands of persons must have been affected by it. Various persons must have been accused of crimes and misdemeanours in these publications; and yet, until Stockdale was produced, nobody ever thought of assailing the right. Stockdale has been the first man who, for 200 years, ever engaged in a prosecution against us. That, we should distinctly understand. Thus, then, stands the question: — First, that for such a length of time we have enjoyed the privilege entirely unimpeached; secondly, that it is the opinion of this House, pronounced almost unanimously, — it may, indeed, be said unanimously, — that such a privilege should exist; and that we cannot perform our duties fully, efficiently, or satisfactorily, without the enjoyment of such a privilege. An overwhelming majority of the House has affirmed the latter position; indeed, it is scarcely contradicted even by those who are opposed to our manner of enforcing it. One portion of our antagonists dispute the mode of enforcing it; a second is opposed to the privilege itself. We find the privilege itself maintained by almost all the great leading men of the House, on both sides; and by almost all who call themselves Radical Reformers. The privilege is not controverted, — it is not opposed by reasoning, or anything in the way of logic; the only contest then is, as to the mode of vindicating it. And here I must observe, that a gross mistake is made by Gentlemen who are opposed to the mode adopted for the vindication of it; and who complain of the imprisonment of the sheriffs, they having been guilty of no moral crime. But, when it is admitted that the sheriffs have committed no moral crime, Gentlemen seem to think that the House, in punishing those who are innocent of crime, is acting unjustly. The House is influenced by no feeling of vindictiveness, and by no desire of vengeance; but the sheriffs lie in the way of the execution of the privilege of the House. The sheriffs are the instruments to prevent its efficiency; and the House removes the sheriffs out of the way, in order that the privilege may have effect. Has the House the right to do this? Why, certainly, if we are the judges of our own privileges. Of what value would those privileges be, if other tribunals are to have the right of deciding on them? In that case, we would have them not. The privilege of publication we cannot have, if we have not the power to enforce it ourselves, but must go as complainants to other tribunals, where, if we fail, that privilege is lost.

One argument that has been raised against the exercise of this privilege is, its inconvenience. I admit that there may be many inconveniences in it; and that we can, in argument, suppose many monstrous cases, apparently coming within the principle. But these and such other inconveniences can also be attributable to the exercise of the judicial functions. For instance: a judge might sentence a man to be executed, even though he had been acquitted by a jury; a judge, too, might send a man to gaol for contempt, because his countenance displeased him; and a judge, too, might fine him 50,000*l.* Still, nobody apprehends that the judges would go to that extent. And yet the judges are independent for life,—perfectly independent; while the Members of this House cannot be said, even assuming the longest period, to be independent for more than seven years. There is a constant appeal from the Members of this House, if they misconduct themselves; whereas there is no appeal from the judges, in the exercise of their privileges. This House and the Legislature, alone, can check the abuses of the judges. The public at large can check the abuses of this House. We have public opinion to control us in the mode that is most efficacious—namely, our total exclusion, if we abuse the power intrusted to us. The argument, then, that we may commit an excess of our privileges, is much weaker than when applied to the judges, or any other body.

I take it, therefore, that we must be the sole judges of our own privileges. By what mode, then, are we to vindicate them? The Bill proposed is founded upon the supposition, that we do not, at present, possess the power to vindicate them. We have the course of imprisonment, which may, I admit, be made a nullity, if we encourage the notion, that men are, upon slight pretence, not to suffer for violating our privileges. But such excuses are never urged against the execution of the privileges of the courts of law and equity. The House has the same mode that those courts have of vindicating its privileges; and that mode is—imprisonment. Whoever violates these privileges shall be subjected to imprisonment, which lasts as long as Parliament sits; and which, by adjourning over the Session, may be continued for a longer period than the mere sitting of Parliament. This method has been found efficacious in the courts of law and of equity; and it has been so in this House until the present moment. That being the case, I ask, have we a right to go any further, or shall we submit ourselves to the other House of Parliament and the Crown, in order to obtain something further? I say we have a right to go further; and my first objection to the Bill is this,—that we should first try the efficacy and the extent of our power in maintaining this privilege of publication. One of the sheriffs has been discharged; not—as the Right Honourable Baronet (Sir James Graham), by the notice he has given for this day, proposes to discharge the other sheriff—upon bail,—but absolutely and entirely. That, I think, was a fault. I think, also, that the House has acted with weakness, and with too great lenity, in the case of the sub-sheriff, who is allowed to go at large, although he is still acting in violation of our privileges. In my opinion, then, we have not gone far enough. In former periods, I need not tell the House that we did not stop with the inferior officers; and I therefore arraign those who are bringing in and supporting this Bill, of a want of political courage. Why should counsel be permitted to violate our privileges with impunity? Why should judges be allowed to violate our privileges with impunity? If we are right, let us "be just, and fear not;" and let us not ask assistance from the other House, until we shall have tried all the powers we already possess.

It is said that the judicial opinions of the Queen's Bench are to be treated with respect. But what respect can be excited by the course of proceedings adopted by the Court of Queen's Bench in this matter? Their decision—of course I do not refer to the persons who pronounced it—can only be treated with sovereign contempt by this House. There is not a single lawyer, on either side of the House, who has ventured to contend that that decision is correct. There is not a single lawyer, whatever may be his opinions,—whether they be for or against the privilege of the House,—whether for or against the sheriffs,—who maintains that the judgment of the Court of Queen's Bench in this case is right. Even considering the strong and decided part which has been taken upon this question by the Right Honourable and Learned Member for Ripon,—a first authority in the law.—(I say so unaffectedly,—the Right Honourable Gentleman's works prove it,—and I will say that, if ever there was a lawyer who knew the entire of the law, he is one),—even he has never declared that his judgment goes along with that of the Queen's Bench. That Right Honourable Gentleman has, by implication, if not directly, condemned it, with all the rest of the lawyers in the House. And yet you talk to me of the necessity of respecting the decision of the courts, and of maintaining their power, as opposed to the privileges of this House. You may meet a case in which it will be necessary to attach the judges themselves. You have, even since I became a Member of this House, brought a judge before you

– I mean Sir Jonah Barrington,— whom, by your publication, you charged with peculation — with having laid his hands on the money of the suitors in his court, and appropriated it to his own private use. If ever there was a publication in which there was criminatory matter, that was one. Now, see how you stand towards the Queen's Bench. Supposing that, instead of Lord Denman, you had a Sir Jonah Barrington to put his hands into the pockets of the suitors in his court, and that you ventured to publish that fact; what would be the remedy? Why, the moment the publication would appear, the publisher would be considered, if Lord Denman be right, to have insulted the judge; the publication would be considered a contempt, and the individual whom we had authorised to publish would be attached by the court, and sent to gaol. Lord Denman, in that supposed case, would have a right to issue an attachment; the rest of the court, as they have already concurred with him in principle, would also agree with him in this; and the individual would be attached, and might lie in gaol as long as the court chose to keep him there. Lord Denman, himself, might try the printer of this House on an indictment, when the truth as to the facts would not be permitted to be given; as truth is no defence where a party is indicted for a libel; by which means he would also suffer for doing that which he performed at the instance of this House. You may praise the present judges as much as you please; I believe they deserve to be praised: but bad times and bad judges may come; and then see in what a situation you will be placed. The law leaves the judges irresponsible for whatever bad act they may do, criminally or civilly, as judges; for such acts they are to be free from action or indictment by any individual; they are responsible to the Commons' House of Parliament, and to nobody else; and yet it is said, forsooth, that we are to be responsible to the judges. Is that, I ask, common sense? We are contending for a privilege that is useful to the public, and not to the Members of this House. That privilege is the common law of the land, and is absolutely necessary to enable us to perform the public business of legislation. I am of opinion, that, if the existence of the privilege be clear, the mode of vindicating it is clear also; and that we ought not to depart from that mode, or place our privileges in peril, by sanctioning this Bill.

The Noble Lord opposite (Lord Stanley), in the able speech he made last night, not being a professional lawyer, was betrayed into a mistake, in supposing that any recital in the proposed Bill will affect the decisions of the Court of Queen's Bench. The Noble Lord should recollect that, unlike France we have no code of laws to refer to. The landmarks of the British law are, the judgments of the courts. When a judgment is acquiesced in, it becomes law; and any ranting at, or censure of, such judgment, whether given by a private individual or by a body of persons not authorised to reverse it, is not only idle, but strengthens the force of the judgment. The fact of a judgment not being directly contradicted or overruled, amounts to an acquiescence; and when a judgment has been thus acquiesced in, future judges will not feel themselves at liberty to depart from a rule so established. But, if, after all, it be determined to proceed by this Bill, the House must recollect that it will have to be submitted to another tribunal. We all know the force of the epigrammatic points with which, in that other tribunal to which I allude, a very able, although not a very wise, person will, probably, come forward and dispute our privilege, and thereby inflame the very worst passions of parties out of that House, who are disposed to agree with him. The privilege claimed by this House is disputed by two classes, — by the Chartists on one hand, and by the ultra-Tories on the other; and if you throw in the advantage of all the power and eloquence of a man reckless of everything but carrying his point, you may create an opposition to that privilege, such as you have not yet met with, and such as you are not likely to meet with, unless you provoke it in this way. Why not try all that remains to be done, before you resort to this Bill, — against which I certainly protest as giving us no certainty of a remedy; whereas, by it, we appear, in the eyes of the public, to crouch and submit. If we assume an air of vacillation and doubt about our own privileges, we shall afford opportunities of having those privileges ransacked and vilified in a quarter where we ought not to expect or seek protection. I would not submit the privileges and powers of this House to the keeping of any party, — privileges and powers which are always necessary, and at no time more necessary than at present. I thank Honourable Gentlemen for the attention with which they have heard me; and I beg leave, in conclusion, to enter my protest against this proposed mode of proceeding, and to remind the House that we are battling with that which has been condemned on every side as an erroneous judgment of the Court of Queen's Bench; and that, being right in our struggle for the advantage of the public, we ought not to have the appearance, much less the reality, of shrinking from the contest, until we have exhausted all the means at our disposal.

SIR WILLIAM FOLLETT. — The Honourable and Learned Member for Dublin opposes the introduction of this Bill, because, as he says, the House has, at present, the means of carrying the object sought for by the Bill into effect. It was intimated before, that we ought to summon, and the Honourable and Learned Gentleman has, now, distinctly called upon the House to summon, the judges of the Court of Queen's Bench to the bar, and commit them for giving a judgment contrary to the opinion of the majority of this House. The Honourable and Learned Gentleman says that, unless we do this, we cannot effectually vindicate our privileges; but let me call the attention of the Honourable and Learned Gentleman to what I consider to be the proposition before us. He says, in the first place, that it has not been disputed by any of the leading Members of the House, that the House has power to communicate, freely and without question, its proceedings to the public. That is the opinion I have always entertained, and the opinion I have expressed upon all occasions. I think the House has that power, and that it ought to have it; because I consider such a power essential to the due discharge of its functions. I have no hesitation in repeating the opinion I before expressed, — that, in this case, the publication, having taken place by the order of this House, ought to have been declared to be unquestionable by the Court of Queen's Bench. When the judgment of that court was delivered, I also stated it to be my opinion that we ought to have questioned that judgment in a court of error; and I regret that that course has not been pursued; for, had we done so, I think we should have been spared the proceedings which have since been taken, and not have found it necessary to commit parties by the authority of this House. That course not having been followed, the Honourable Gentleman says, we are proceeding to legislate, but we are, at the same time, leaving the judgment of the Queen's Bench unquestioned. By what means, let me ask, can we reverse the judgment of the Court of Queen's Bench? Only by a writ of error, or an Act of Parliament. The Honourable and Learned Gentleman knows that very well, and yet he declines to do either; — in the one case, because he would not consult the judges; and, in the other, because the judgment of the court is left unquestioned. Although I am distinctly of opinion that the House possesses the privilege it claims, — that that privilege is essential, — and that the Court of Queen's Bench ought to have given a different judgment; still, I greatly object to the course of proceeding which has been adopted by the House. I object to it, because I do not consider it to be a constitutional mode of interfering with the court; and I object to it, also, because I believe it ineffectual.

The Honourable and Learned Gentleman the Member for Dublin says that the House has not proceeded to the utmost. Work the privilege to the utmost, and see what the House can do. Take the case that has already occurred. An action is brought during the recess, and judgment is obtained. When we meet, what shall we do? Shall we commit the sheriff? The Honourable and Learned Gentleman says that we have discharged one sheriff, and are prepared to discharge the other. But suppose we keep him in custody; what then? My Right Honourable and Learned Friend the Solicitor General is of opinion that we should keep him till the privilege of the House is vindicated; and the Honourable Member for Bridport (Mr. Warburton) says that the sheriff may obtain his release when he likes, by paying the money. But you have not prevented Mr. Stockdale from obtaining the fruits of the judgment given in his favour; and do you think, after that, that you will be vindicating the privileges of the House, if you make the sheriff pay the money again? What would you do with the money, if the sheriff paid it? It is true that you would not have to vote payment to Mr. Hansard; that you would save the public purse about 600*l.*; but you would not have prevented the plaintiff from having successfully instituted an action, and walking off with the fruits of it. I say, then, that keeping the sheriff in custody will not show that your power is effectual to vindicate your privilege. Suppose the sheriff to do what the under sheriff stated that he was willing to do, — namely, to obey the orders of the House as far as he could; — suppose, then, that an application is made to the Court of Queen's Bench, and that the sheriff makes a return of the order of this House, directing him not to levy; — this would bring directly under the cognisance of the Court of Queen's Bench the resolutions and orders of the House, and what would be the consequence? We know, from the facts that have occurred, that the judges would treat that Return as a nullity, and would order it to be taken off the file. I want to know what the House is prepared to do in that case? The judges declare the Return a nullity, and order the sheriff, notwithstanding that Return, to execute the writ. The sheriff comes to this House, and says, "I have taken your resolutions to the judges; they have had judicial information of them; and, notwithstanding that, they have directed me to proceed; and, if you do not protect me, the judges will send me to Newgate." If, after this, the sheriff proceeds to execute the writ, will this House take him into custody for obeying the orders of the Court of Queen's Bench? or will you do what the Honourable and Learned Member for Dublin says you ought to have done, — namely, summon the judges to the bar, and tell them, that, having been guilty of a breach of the privileges of the House, they must be punished? You cannot avoid the dilemma. If you are determined to support your privileges by means of committals, you must summon the judges, and not the sheriffs. Let me ask Honourable Members whether they are prepared to summon to the bar the judges of the courts of justice,—not for malversation or peculation, — as in the case to which the Honourable and Learned Member for Dublin referred, — not for misbehaviour or misconduct, — but because they, men of learning, of character and honour, conscientiously gave a judgment according to the best of their knowledge. Will you summon the judges, and compel them to state the grounds on which they have come to their decision? Is the House prepared to take such a step? I can well understand such a course being pursued in other days, in bad times; for such things occurred not in the good times of our history, but in times of trouble. It is true that the House of Commons summoned one judge to the bar; but there is a wide distinction between the times when that judge was summoned and the present. If you summon a judge, or any other person, to the bar of the House, your power will be wholly ineffectual, unless you are backed by the popular voice. In the times to which the Honourable Member for Dublin alluded, this House was struggling for the liberties of the people against the Court, and against the power of the Crown. That made the House of Commons popular, and caused the steps which were taken by it be to supported by the people. In what position did the judges stand, then? The judges were wholly and entirely dependent on the Crown, removable at the will and pleasure of the Crown, and dependent for their salaries and places altogether upon the Crown. They were chosen, not always for their learning, but sometimes for their subserviency; and the public considered them as the mere creatures of the Crown; and therefore it was that they supported the House of Commons when the House of Commons went the length of taking steps against the judges. Is that the case at present? In what position do the judges stand, now? We know that, throughout the country, there is often exhibited a want of reverence towards the constituted authorities; but I believe that, in all times, even those of the greatest trouble and discontent, the judges form an exception. There is an unbounded and well-founded confidence in their integrity and learning. They are not dependent on the Crown; but, on the contrary, perfectly independent of the Crown, and of the public; and, indeed, of every other authority in the state. They are appointed to administer justice; they do so in the most honest, most conscientious, and most upright manner; and I am satisfied, if you attempt to interfere with the administration of the law, or to bring the judges to the bar of this House, that it will be—I might almost say—the last time that the House of Commons will ever exercise another privilege.

The Honourable and Learned Member for Dublin says that judges are responsible to the House of Commons. In what way? It is true that either House of Parliament may present an Address to the Crown to remove a judge; and so far the judges are responsible. It is also true that this House may impeach a judge; but I have yet to learn that the judges are responsible in the way pointed out by the Honourable and Learned Member for Dublin, — that if they give a judgment that is displeasing to the majority of this House, they are liable to be dragged to the bar, questioned, censured, and punished for that judgment. If, as has been contended, you ought to keep the sheriff in custody until he pays the money, you must, in order to vindicate your privilege, keep the judges in custody until they retract their judgment. I ask the House whether such a proceeding is possible? If the Honourable and Learned Member for Dublin thinks the protection of this privilege — privilege is not a proper name to apply to it — the protection of this right, rather — essential; and if we cannot protect it except by the course pointed out by that

Honourable and Learned Gentleman; then I say that the strongest possible argument is thereby afforded in favour of the Noble Lord's Bill. The argument of the Honourable and Learned Gentleman, that we ought to work out the power we possess to its full extent before we bring in a Bill, leads to its own refutation; for I have shown that you cannot effectually work out that power: therefore I say that some Bill of this sort is necessary. With respect to the Bill itself, I know nothing, except from the statements of the Noble Lord upon asking for leave to bring it in; and I therefore do not wish to give any opinion upon it, as much will depend on the manner in which it will be drawn up and worded; but, addressing myself to the strong advocates of privilege, I must say, taking what the Noble Lord has stated to be the object of the Bill, that I cannot conceive that they have any right to complain of it. If I understood the Noble Lord, the Bill will be confined solely and entirely to the power of publication, which is questioned; thus leaving entirely untouched every other right and privilege of the House.

LORD VISCOUNT HOWICK.—Hear, hear!

SIR WILLIAM FOLLETT. — The Noble Lord cries "Hear!" as if he believed that this Bill would affect the other privileges of the House. I want to know how that can happen? I am standing up for the right of publishing but the Court of Queen's Bench has decided against us; and I find that we cannot effectually maintain that right by the means we at present possess. Is there any inconsistency in getting an Act of the Legislature to provide additional power and security? The Noble Lord's Bill will enable any printer or publisher, under the immediate orders of the House, — whether in the recess or not, — to stay proceedings in any action. Push your privilege to its greatest extent, and you cannot do that. When you find the powers of the House insufficient to secure the privilege you wish to establish, how are those powers affected by giving them additional force? I could understand the argument, if you said that by this Bill the power of commitment was taken away; but it is no such thing. That power will remain as much as if this Bill did not pass. I cannot therefore conceive how the high sticklers for privilege can say that the privileges of the House are affected by this Bill, when they find that they cannot effectually support the power of publication without additional means, which means must be provided by the Legislature. My Right Honourable Friend behind me (Sir Edward Sugden) opposed the introduction of the Bill, on the ground that we have no right to make an enactment for the protection of the publication of our papers, while we leave untouched the two resolutions of 1837, and the resolution of 1835. The resolutions of 1837 are in no way confirmed or sanctioned by this Bill. It leaves them to stand exactly upon their own merits, according to the law and privilege of Parliament. If they are well founded upon that law and privilege, this Bill will not lessen their effect; and if they are not well founded, this Bill will give them no additional support whatever. With regard to the resolution of 1835, for the sale of papers, if my Right Honourable Friend means that the Bill should contain some legislative enactment to alter that resolution ——

SIR E. SUGDEN. — But I do not.

SIR W. FOLLETT. — Well, if my Right Honourable Friend had so meant, I would say, that I should object to any legislative interference with the mode of proceeding in the publication of our papers. But if my Right Honourable Friend only means that this House ought to proceed to alter the resolution of 1835, then I would say that, as far as the resolution itself goes, I feel the strongest possible objection to its continuance. I hold that resolution injudicious, and that any saving it may produce cannot possibly counterbalance the injury it causes. I should be glad, therefore, if that resolution were altered. It is not, however, necessary, as a precedent to this Bill, to enter into the consideration of that resolution. The House may alter it after the passing of this Bill, if it do pass, or in another Session; but to alter or rescind it by way of bargain for allowing this Bill to be introduced, does not appear to me to be the right way of proceeding. I shall be quite ready, at the proper time, to support a motion for the appointment of a Committee to inquire whether any effective check can be placed upon the publication by the House, of defamatory or libellous matter. I gladly approve of the introduction of a measure which shall prevent the necessity of having recourse to the steps we have of late been compelled to take, and which shall, at the same time, protect the right which the House lays claim to, and ought to have, by an act of the entire Legislature. I must say, also, that, however anxious Honourable Members may be to preserve the privileges of the House unimpaired, I am sure th power fully admitted by a court of law; and if I thought that power would prove effectual for the maintenance of the privilege, that power I would go on to put in operation. But having established that power, and having tried the experiment of its complete efficacy without effect, does it not become us to make the experiment whether we can, by legislation, procure other means of maintaining this important privilege? If we fail, we cannot help it. Our power depends, to a great extent, upon our moral influence; and I very much question whether, — if, after having made an attempt to legislate, and that attempt proving unsuccessful, we be compelled again to resort to the power of imprisonment, — our proceedings would not be more fortified by that moral influence than if we were to refuse to make the experiment.

My sole reason for listening to the attempt to legislate is this,—that our power, as I originally declared, is, in my opinion, incomplete and imperfect. Now, first, as to time. It is clear that the power of the House to imprison is limited by the duration of the Session. We can make menaces for the future; but the constitution denies us the power of continuing the single penalty which we can inflict — that of imprisonment — beyond the duration of the Session. Thus, during the recess, our printer is liable to be pursued by actions, which, under the recent improvements in pleading, can be brought to a conclusion so much sooner than formerly, that, before we meet again, executions can issue against him; for, although we resolve not to plead, we cannot compel plaintiffs not to bring actions; and our officer cannot rely on the protection of the court. And I ask of the Honourable Gentleman, — I ask of the House, — is it decent that, during the recess, the printer of the House of Commons should be pursued by actions brought by every man who chooses to speculate on the chance of damages? This is a monstrous notion, — it is an indignity to the House of Commons. I am told that we can adjourn, instead of proroguing; but is it not also a monstrous thing, that a man like this Mr. Stockdale should have a power to suspend that constitutional power of the Crown, and oblige it to resort to such a mode of proceeding? Does it not derogate from the dignity of the constituted authorities of the land, to be thus compelled to depart from that uniform course which experience has shown to be the most convenient? and is it right that we should be obliged, in order to protect our privileges, to address the Crown for such an exercise of its prerogative? Are Sessions of Parliament, in future, to be permanent? Are prorogations to be always suspended? Is it not far more convenient to make the attempt to provide a legislative remedy, than to resort to such inconvenient extremities? My Right Honourable Friend the Member for Exeter asks, why did we not issue a writ of error, and appeal against the decision of the Court of Queen's Bench. Now, I do not forget what has been said about a change in the opinions of the judicial bench; but I very much doubt whether that change has not been connected with the discussions which have taken place here. Sir, if we had brought the writ of error, it must have been immediately after the second decision of the Court of Queen's Bench; and I very much doubt, if we had then made the appeal, whether the issue would have been so favourable as it might be now. The question is, not whether we should appeal now, but whether it was politic to appeal then; for it was not a hasty judgment of the Court of Queen's Bench. When, to the first action, we pleaded privilege in bar, the court, by a single judge, decided against us; and, in the second action, the court unanimously decided against us. Suppose, then, we had immediately gone to the fifteen judges, what was there to induce us to presume that their judgment would be as favourable as now it is? And suppose the decision had been against us, would my Honourable and Learned Friend have advised us to go before the House of Lords as a judicial tribunal? I do not think he would; and now, there is an opinion entertained by some eminent authorities, that, even though we should have tried the appeal to the fifteen judges, yet they would not have advised us to submit our privileges to the House of Lords in its judicial capacity.

I have attempted, Sir, to show that the constitutional powers of this House are necessarily limited in point of time; and that the substitution of adjournments for prorogations is an expedient degrading to the constituted authorities of the realm. How is the power, which we have, effectual to prevent a plaintiff from succeeding in his object? Has it prevented the plaintiff from getting his damages? You have committed the sheriffs — you have committed Stockdale — you have committed the attorney — you have committed his son, and his clerk; — you have exercised the power you possess, and that largely; — but have you prevented the plaintiff from getting his damages? and how do you propose to do so? I see all the difficulties tainly has been one meeting in Middlesex, calling itself a public meeting, to which persons were admitted only by tickets, and at which some strong resolutions against the privileges of the House were passed; but I am not aware that, throughout the kingdom, from one end to the other, there has been any particular exhibition of feeling manifested against them.

[Laughter, and cries of "Oh!"]

Ten or twelve elections have taken place since this subject has been in agitation, and I am not aware that the topic has even been alluded to at any of them. I admit that I do not dissent from the principle of this Bill; but, at the same time, I do not think we should resort to any other quarter for co-operation and assistance, until we had first exhausted every means in our power, of vindicating our privileges, and had gone up to the Queen with an Address, praying Her Majesty not to prorogue this House, but suffer us to adjourn, from time to time, in order to continue the operation of its powers. If this Bill had originated in the other House, and come down to the bar, I should have been prepared to accept it; but, emanating as it does, in this House, with a view of being sent up to the House of Lords for approval, and without any certainty of success, I shall feel it my duty to oppose its progress in every stage.

SIR ROBERT PEEL. — Ever since the commencement of these proceedings, I foresaw that the difficulties attendant upon the position in which we were placed would eventually oblige us to resort to legislation, in order effectually to remove them. I foresaw that, to maintain those powers which were absolutely essential to the discharge of our duties, it would become necessary to have recourse to legislative enactments. I felt that we were bound to make every exertion, and avail ourselves of every power which we possessed, to protect our privileges; and if I could, at the beginning, anticipate failure in the course we were then taking, that anticipation I did not hold to be any reason for our not availing ourselves of every means, which the constitution afforded us for the purpose of giving protection to those privileges. I thought that a Bill would be necessary to remove all doubts, and to render those powers efficient and effectual; but I did think that the Bill ought to have originated in the House of Peers; and I have now an admission from the Honourable Gentleman opposite that, if the Bill originated in the House of Peers, he would not oppose it. It may be said, why do we not endeavour to secure our other privileges by legislation, as well as the privilege of publication? For my part, I should have no objection to secure all our other privileges, if they were called in question; but, if we proceeded to define them, it would, perhaps, be urged, that, in case we omitted the mention of any one of those privileges, such an omission would amount to an acknowledgment that it did not exist, and that we had no right afterwards to claim it. In speaking on this subject, I must take the opportunity of saying that all the consideration I have given to it induces me to adhere more strongly than ever to my original views; and I must repeat, that I do believe the power of publication to be absolutely essential to the due performance of the functions of this House; and that a more unwarrantable judgment, or one more irreconcilable with reason, than that by which it was attempted to deprive this House of that right, was never delivered from the judicial bench. When I say the judgment was unwarrantable, I also mean to say, that a judgment more irreconcilable with the reasons given for it was, to my mind, never given; for I cannot make the decision correspond even with the grounds alleged for it. Indeed, we have the distinct admission of those opposed to me, as to the practical course we have taken, that they consider the judgment a most erroneous one. My Right Honourable and Learned Friend, for whose character and opinions I entertain the highest respect, the late Chancellor for Ireland, and my other Honourable and Learned Friend, for whose abilities I entertain the most profound admiration, and who is one of the most distinguished ornaments doing honour to the profession to which he belongs, — not only now, but at any time, — both of them have distinctly admitted that the House of Commons possesses the undoubted power of publishing its own proceedings; and therefore I say that, whatever may be the difficulties in which we are placed, — whatever the inconveniences that have arisen, — they do not arise from the urging of any extravagant pretensions on our part, but from a right to which we are absolutely entitled, after its having been questioned in a court of law. I think, Sir, as I have said, that we were bound not to resort to legislation in the first instance, — we were bound to make a full trial of our own powers. And it has proved highly important that we should have done as we have done; for thereby we have established our privilege beyond all question or doubt, — namely, the power of imprisonment for a breach of our privileges. We have that power fully admitted by a court of law; and if I thought that power would prove effectual for the maintenance of the privilege, that power I would go on to put in operation. But having established that power, and having tried the experiment of its complete efficacy without effect, does it not become us to make the experiment whether we can, by legislation, procure other means of maintaining this important privilege? If we fail, we cannot help it. Our power depends, to a great extent, upon our moral influence; and I very much question whether, — if, after having made an attempt to legislate, and that attempt proving unsuccessful, we be compelled again to resort to the power of imprisonment, — our proceedings would not be more fortified by that moral influence than if we were to refuse to make the experiment.

My sole reason for listening to the attempt to legislate is this,—that our power, as I originally declared, is, in my opinion, incomplete and imperfect. Now, first, as to time. It is clear that the power of the House to imprison is limited by the duration of the Session. We can make menaces for the future; but the constitution denies us the power of continuing the single penalty which we can inflict — that of imprisonment — beyond the duration of the Session. Thus, during the recess, our printer is liable to be pursued by actions, which, under the recent improvements in pleading, can be brought to a conclusion so much sooner than formerly, that, before we meet again, executions can issue against him; for, although we resolve not to plead, we cannot compel plaintiffs not to bring actions; and our officer cannot rely on the protection of the court. And I ask of the Honourable Gentleman, — I ask of the House, — is it decent that, during the recess, the printer of the House of Commons should be pursued by actions brought by every man who chooses to speculate on the chance of damages? This is a monstrous notion, — it is an indignity to the House of Commons. I am told that we can adjourn, instead of proroguing; but is it not also a monstrous thing, that a man like this Mr. Stockdale should have a power to suspend that constitutional power of the Crown, and oblige it to resort to such a mode of proceeding? Does it not derogate from the dignity of the constituted authorities of the land, to be thus compelled to depart from that uniform course which experience has shown to be the most convenient? and is it right that we should be obliged, in order to protect our privileges, to address the Crown for such an exercise of its prerogative? Are Sessions of Parliament, in future, to be permanent? Are prorogations to be always suspended? Is it not far more convenient to make the attempt to provide a legislative remedy, than to resort to such inconvenient extremities? My Right Honourable Friend the Member for Exeter asks, why did we not issue a writ of error, and appeal against the decision of the Court of Queen's Bench. Now, I do not forget what has been said about a change in the opinions of the judicial bench; but I very much doubt whether that change has not been connected with the discussions which have taken place here. Sir, if we had brought the writ of error, it must have been immediately after the second decision of the Court of Queen's Bench; and I very much doubt, if we had then made the appeal, whether the issue would have been so favourable as it might be now. The question is, not whether we should appeal now, but whether it was politic to appeal then; for it was not a hasty judgment of the Court of Queen's Bench. When, to the first action, we pleaded privilege in bar, the court, by a single judge, decided against us; and, in the second action, the court unanimously decided against us. Suppose, then, we had immediately gone to the fifteen judges, what was there to induce us to presume that their judgment would be as favourable as now it is? And suppose the decision had been against us, would my Honourable and Learned Friend have advised us to go before the House of Lords as a judicial tribunal? I do not think he would; and now, there is an opinion entertained by some eminent authorities, that, even though we should have tried the appeal to the fifteen judges, yet they would not have advised us to submit our privileges to the House of Lords in its judicial capacity.

I have attempted, Sir, to show that the constitutional powers of this House are necessarily limited in point of time; and that the substitution of adjournments for prorogations is an expedient degrading to the constituted authorities of the realm. How is the power, which we have, effectual to prevent a plaintiff from succeeding in his object? Has it prevented the plaintiff from getting his damages? You have committed the sheriffs — you have committed Stockdale — you have committed the attorney — you have committed his son, and his clerk; — you have exercised the power you possess, and that largely; — but have you prevented the plaintiff from getting his damages? and how do you propose to do so? I see all the difficulties in the way of legislation, and I am perfectly ready to take any course to maintain our privileges, by our own inherent right; but first show me, that by so doing, you can prevent the plaintiff from getting the money. Neither the committal of plaintiff, attorney, sheriffs — no, nor even of the judges — can prevent this. Do you deprive, by it, any man in the situation of life of Mr. Stockdale, who may desire to get 600*l.* for any alleged injury to his "character," from bringing actions against your printers and officers? You may go on committing, — and, if it would be effectual to prevent plaintiffs from getting their damages, I should be ready to do it;—but this you cannot do. And I very much question, whether a man like Mr. Stockdale be not perfectly content with his situation, and very willing to set 600*l.* against his confinement in Newgate till the end of the Session. And, suppose the damages had been fivefold, what means should we have of preventing the same issue? In this case, Mr. Stockdale has got his money; and can there be any doubt that, towards the end of the Session, we shall be called on, in the miscellaneous estimates, to vote a sum of 800*l.* or 900*l.*, to defray the expenses of the action against our printer. We cannot say to Mr. Hansard, "We have not, as yet, got the money from the sheriffs, and you must wait until we get it." We could not be guilty of such an act of injustice. Already, the greatest injustice has been done to your servant. A perfectly innocent man, acting under your authority, has been treated almost as a criminal, — has had his goods seized and exposed to sale, and 600*l.* taken from him. Nor is it merely in a pecuniary way that I estimate Mr. Hansard's loss; for, in addition to his loss of 600*l.*, we must be all aware how much annoyance and anxiety he must have suffered, in consequence of those proceedings. Now, can anything be more discreditable than to have to pass such a vote as that which we shall have to pass at the end of the Session?—and yet, can we avoid it? We made a vote last year, and we cannot escape it this year. I say, that this is absolutely degrading to the House. Yet this degradation you cannot escape by the exercise of our inherent power. If you cannot do so, then we must give protection by legislation, — taking care, at the same time, in so doing, not to compromise a single privilege. In this, as well as in all human affairs, we must look to the balance of inconveniences; and if you say, "Go on committing," you must remember who are the persons whom you will ultimately be obliged to commit; and to be driven into a conflict with such persons, would be a public inconvenience of a serious description. Look, also, to the consumption of our time — time of inestimable value to the public, if properly applied; but are we to have it consumed, night after night, in these discussions? Then, consider what the constitution of the body is which holds this power of imprisonment. In the case of a single judge, his power, as regards a decision, is perfectly despotic; whilst, in this House, every decision must depend on the will of the majority of its Members.

One of the inconveniences attending authority of this nature, exercised by such a body as this, is, that differences of opinion will naturally arise, — long contests ensue: a party declares itself in favour of the plaintiff, and this declaration acts as an encouragement to him and others, — and a man, perhaps, whom no one respects in the circle in which he lives, becomes lifted up into notoriety, by entering into a contest with this House. Persons overlook his character and his motives; they identify the person with what they believe to be a great public principle,—which serves his purpose of notoriety; and he will find men of the highest honour co-operating with him, though such co-operation may be coupled with the greatest contempt for himself, and for his private character. If, then, we can find any medium consistent with our own character and honour, and the preservation of our privileges, is it not wise to seek it? If you do not, this contest will be carried on night after night. You will have it, not only in this, but in other forms, if you rely on the efficacy of imprisonment. I much doubt, taking into consideration the motives which form human character, whether imprisonment would prove efficacious. The spirit of party, — the desire of notoriety, — the sympathy which attaches to what they might believe to be an unjust sentence, would induce other counsel to take the place of those whom you had imprisoned; and I question much whether this state of things would not involve you in a contest perfectly interminable. I much doubt whether imprisonment would produce any of the effects which might be desired; but even supposing that it would, still, if it were possible to legislate on the subject, consistently with the safe custody of the other privileges of the House, I would much rather make the attempt than continue to be engaged in interminable contests. I shall therefore give my cordial consent to the introduction of a Bill; reserving to myself the power of objecting to any of the details, at a future period of

I should feel such objection called for. It has been suggested, that, by legislating upon this privilege, we may affect our privileges generally. Now, I do not think it will be denied that this House has the full and undoubted privilege of deciding in cases of controverted elections; and yet, in relation to that subject, we were obliged to obtain the assistance of the other House, and to resort to legislation; yet no one will, I believe, say that the passing of the Grenville Act in the least affected our privilege of deciding on election petitions. Well, then, as regards another objection which has been suggested. Suppose this Bill should be presented to the House of Lords, and they attach to it unreasonable conditions; — suppose it be one of those conditions, that we shall only sell papers by legislative enactment; — surely it is perfectly in our power to reject an unreasonable condition, and to assign our reasons for it in a conference; and, if the other House will not give way, then abandon the Bill altogether, and fall back on the power we already possess. We shall then be no worse; and when we shall have made a perfectly frank attempt to obtain a less inconvenient and more effectual power to protect our privileges, I am inclined to think that, if we are compelled still to resort to our inherent power of imprisonment, the exercise of that power will be more acceptable, after this attempt, to the public, than if we had not, meanwhile, made such an attempt I am convinced that we shall best satisfy the public by acting with every degree of moderation, forbearance, and temperance consistent with the vindication of our privileges; and I trust the House of Lords will see the practical embarrassment in which we are placed, and the difficulties by which we are surrounded,—not by any error of our own, but in consequence of the judgment given in the Court of Queen's Bench; and that the House of Lords will return the Bill to us in such a form as we can with propriety accept, — such a form as shall enable us effectually to maintain those privileges which are essential to the discharge of our legislative duties. I certainly did originally think that the Bill ought to originate in the House of Lords; but I have since changed my opinion in that respect; and, on reflection, I think it impossible that the House of Lords should originate such a Bill, without solicitation from, or a conference with, this House. It would be more dignified that this House should originate the Bill, than that the Bill should come down from the House of Lords in the first instance. The best mode of proceeding would, in my opinion, be for this House to send to the House of Lords such a Bill as we shall think consistent with the preservation of our privileges, and effectually calculated to maintain them.

On these grounds, then, which I have always entertained and expressed, I shall support the motion of the Noble Lord. Our power, I have always said, is incomplete; and I confess that I am most unwilling to proceed to a step so alien to the feelings and spirit of this age, as the commitment of the judges to prison. I should strongly deprecate such a collision between the highest authorities of the state; and, after all, we could not maintain that conflict by our own powers, — we should be obliged to resort to the Crown, and to address the Crown to place a force at our disposal; for I am not aware that this House has any inherent authority to levy a force. If we do not resort to legislation, the question for the House to decide will be, — not whether it shall deal with ministerial officers, but — whether it will be prepared to commit the judges? I believe that public opinion, in this country, is in favour of this privilege. I believe that public opinion is in favour of the publicity of our proceedings; and that what it requires of this House is, that it should be the great inquirer into abuses, — the detector of corruption, — that it should legislate upon evidence and facts alone, — and that, by the publication of all its proceedings (a right which it has exercised for 150 years), the public should have an opportunity of knowing the grounds of its decisions. This, Sir, I do believe to be the public opinion, — with some differences, perhaps, as to the mode of vindicating our privileges. But, in relation to the privilege of publication, all sound and deliberate public opinion is in its favour. It is most important that we, the representatives of public opinion, should be backed by it; and I do believe that we are more likely to insure this by providing a permanent and certain protection for our officers, through the intervention of law, than by entering into a personal conflict with the judges, and setting an example to the country of lowering the dignity of that bench, on the respect and veneration paid to which the best interests of the country depend. Looking, therefore, to all these circumstances,—the difficulty of maintaining our power, and that sacrifice of the public time I speak of,—I do think it decidedly wise to submit to the House of Lords such a measure as shall, on the one hand, give effectual protection to what the Honourable Member has justly called — not the privilege, but—"the right" of publication;

and, at the same time, avoid, as far as possible, the drawing into question those other privileges which we possess, and which are essential to the due performance of our functions here.

Mr. HUME.— I heard, from the Right Honourable Baronet opposite, on the first night that this question was brought before us, a very able and eloquent speech upon the subject; and I do not see anything which has since occurred that ought to have effected a change in the opinions which the Right Honourable Baronet at that time expressed. We have tried our power to commit the sheriff for acting against our servant; and why are we now to relinquish those proceedings, after having gone so far in them? Why should we not carefully define what our privileges are in a Bill, instead of legislating for this privilege, alone? If we are to legislate upon the subject of our privileges, why should we not include all of them? It should be recollected, that there are actions still going on; and if such a change in legal opinion have taken place as has been stated, is it not improbable that future decisions will be against us. I fully concur with the Right Honourable Baronet in his opinion as to the evils which might result from a conflict with the judges; but I cannot forget the importance of the right of publication; and I must say, that I never heard the Right Honourable Baronet make a better speech than that in which he defended this right of publication as one of the privileges of the House. Is it consistent with the importance of our privileges to seek the protection of the Legislature for them? The privileges of the courts of law depend on custom and common law; and I would ask, is it not degrading for us to seek the help of legislation to protect our privileges? I cannot see any ground which now exists for inducing us to retrace the steps which we have taken, in order to assert and vindicate those privileges. But if it be proposed to secure our privileges by legislation, why, let me ask, do we not define all the other privileges which we claim, and secure them also? I shall vote against this Bill; and I enter my protest against the shilly-shally conduct of those who, having embarked in a contest with us, now desert us. I have not heard the able speech of the Solicitor General answered, as yet, notwithstanding all that has been said on the other side of the question. Let Honourable Gentlemen who advocate the introduction of this Bill meet the arguments of the Solicitor General if they can; but as these have not, as yet, been answered, I must say, that I feel bound to support him.

COLONEL SIBTHORP.—I have always heard that there is more joy in heaven over one sinner who repents, than for ninety and nine just men. As far as I can understand, the Honourable Member for Kilkenny is repentant in this matter; and I believe the Noble Lord opposite is also repentant, otherwise he would not have introduced, at the eleventh hour, such a nonsensical Bill as that under discussion. I am obliged to differ, although with great regret, from the Right Honourable Baronet the Member for Tamworth in his view of this question,—

> Aliquando bonus dormit Homerus.

The Noble Lord has grounded his motion on the lamentable waste of the time of the House which this question has caused; but why did the Noble Lord not consider that point before? The fact, however, in my opinion, is, that the Noble Lord is not sorry, but glad, of this waste of time; because it gave the Chancellor of the Exchequer an opportunity of making up a more plausible Budget than he would otherwise have done. The Noble Lord has done all that he could do; he has imprisoned the sheriffs for not having violated their oaths; and now he comes forward with this Bill to declare himself vanquished. I do not, however, hesitate to say, that I look with great suspicion on this measure.

> Timeo Danaos et dona ferentes.

It may be called a Bill for the relief of the sheriffs; but it, in reality, only casts scorn upon their persecutors; and, I declare to God, I would much rather be incarcerated for the remainder of my days, than not act as those gentlemen did in the discharge of their duty. I call upon the Noble Lord to fix a day for the different stages of his Bill; and I must say, I believe it is no more than a noose to catch my Right Honourable Friend near me

LORD VISCOUNT HOWICK.—I must confess, that the impressions created by the speech of my Honourable Friend the Solicitor General are far from being removed from my mind by anything which has been urged in the debate of this night. Every one who listened with attention to the speeches of the Right Honourable Baronet the Member for Tamworth, and of the Honourable and Learned Member for Exeter, must have perceived that those who are called upon to support the Bill of my Noble Friend, are called on to do so on the ground of the utter inadequacy of the House, by its own authority, to support its privileges. The Honourable and Learned Member for Exeter says, that we ought, when the judgment of the Queen's Bench was against us, to proceed to a writ of error; that we ought to bring the case before the fifteen judges, and thence it would go before the House of Lords; by which I am to understand that the Honourable Member would submit our privileges to the discretion of another branch of the Legislature. I believe that to be a new doctrine in the law and constitution of the country; for I have been always taught to consider the House of Commons as co-ordinate with and coequal to any other branch of the Legislature. I was never taught to believe that the House of Commons was subordinate to the House of Lords; and although the opinion expressed by the Honourable and Learned Member for Exeter implies so much, yet I must say, that the case is not so with the Right Honourable Baronet opposite, and the Noble Lord the Secretary for the Colonies, both of whom have hitherto supported, with ability, and, I did hope, would have done so with firmness, the principle that the House of Commons was to be the exclusive judge of its own privileges. What, let me ask, is the meaning of saying, that we are to be judges of our own privileges, if we are to be called on to support such a proposition as that now before the House? It has been, no doubt, argued that, under cover of asserting its privileges, the House of Commons may do what it pleases, and establish anything it desires. But is that difficulty escaped from, by conferring unlimited power upon the House of Lords? If the House of Commons can declare anything privilege, by the Bill of the Noble Lord, the House of Lords will be enabled to deprive us of any privilege we now possess. While it was believed that there was no authority to overrule the privileges of the House of Commons, there might be, meantime, no attempt made to impugn them; but once admit such an authority, and there is, immediately, an inducement offered to every interested party to contest them in every particular. What is to save our other privileges,—such as that of ordering the production of papers, for instance? But I may be told, that that is a right which could not be impugned. Before the case of Stockdale, I thought the same of the privilege of publication; and yet it has been impugned. Now, let me imagine a case in which parties would be interested in objecting to our privilege to compel the production of papers. Suppose the House sought to impeach a Member of the other branch of the Legislature for malpractices in his capacity of Governor General of India. Suppose, in pursuance of our duty, we sent to the India Company for the necessary papers; and suppose that that body denied them;—how should the House proceed then? Under the Noble Lord's Bill, it should bring the case into the courts of law; and, if a verdict were there given against the India Company, the case might be removed by writ of error into the Exchequer Chamber, and then by appeal into the House of Lords. Here, then, we should have the House of Lords sitting in judgment on a case which involved its own interests; and yet that is what the Bill naturally leads to. Does the right of calling for papers rest on any higher grounds than the right of publication, that it should not be questioned any more than that? Not at all. The right of publication rests on 200 years of exercise and undoubted acquiescence, during periods when the strongest inducement to control it existed. It is a right which has been heretofore recognised by the Court of King's Bench; the last case which involved that question having been one in which Mr. Horne Tooke proceeded against a printer for a libel, for having republished a debate that had occurred in the House of Commons. What was the decision of the court on that occasion? It decided that our Reports were not libels; and that not only the printer of the House of Commons was not subject to an action for libel for publishing them, but that, in case of republication by a private printer, that was not to be regarded as a libel.

If the Bill of the Noble Lord should pass, the House will have no security, either in acquiescence, or practice, or prescription, hereafter, for any one of its privileges. The Honourable and Learned Member for Exeter has said that it is proper for the House to submit to the law, as laid down by the judges, and affirmed by the House of Lords. The Right Honourable Baronet the Member for Tamworth has said it is not proper, but that the House is helpless, powerless, and incapable of proceeding in the question. I, however, deny both positions. I do not think the privileges of the House should be judged elsewhere. I call upon the Right Honourable Baronet to produce proof of this House's powerlessness. The Right Honourable Baronet has argued that the power of the House is in abeyance during the recess; but to this I would answer, that if we were resolutely to assert its rights during the sitting of Parliament, that would prevent all attempts at impugning them during the recess. If the House showed the ministerial officers of the court that it would inflict signal punishment, when it met, on those who had lent themselves to such proceedings during its recess, I am quite sure that it would effectually prevent all such attempts against its privileges. The House has the power to do so; and only for the symptoms of yielding, exhibited by the Noble Lord, the sheriff would have paid over the money in dispute to the Messrs. Hansard. It may be said that it would be a hardship on the sheriffs to place them in a position of contempt to the courts of law; but that objection would be easily met by a Bill of Indemnity. And I do not for a moment believe that the courts would violate their duty and the law, as laid down by Chief Justice Lord Ellenborough,—"that no officer of the court is bound to perform acts which involve contempt of privilege—even the privilege of the Board of Green Cloth." The case of the warden of the Fleet is analogous to what would be the case of the sheriffs under such circumstances: they would be protected by the House, and the courts would not attempt to interfere. I deprecate the course taken by the Noble Lord. The House has been now engaged in a long and arduous struggle; and yet the Noble Lord comes down with a Bill to surrender those privileges for which we have been so severely contending. The Bill of my Noble Friend is a virtual acknowledgment that the House is driven to its last extremity, and can no longer defend itself; but that it is obliged to seek the assistance of the other branch of the Legislature. The Noble Lord has argued that this course would put an end to the inconveniences complained of as arising out of this question, and the waste of public time; but I believe that it will have quite a contrary effect, and that there will be, henceforth, more doubts and questions on the subject of privilege, than heretofore. But if my Noble Friend's argument is good for anything, it is good against himself. Why did he not bring in his Bill before? Why did he consume the time of the House in idle and valueless discussions? The Right Honourable Baronet the Member for Tamworth had said that something has been gained by these discussions, if it be nothing more than the enlightening the judges and the other branch of the Legislature on the subject of the privileges of the House; but the Right Honourable Baronet paid no extraordinary compliment to them in saying so, or in assuming that it required such hammering to make common sense and common judgment penetrate into their heads. I have had no hesitation in performing my duty, though a painful duty, in agreeing to inflict punishment upon the sheriff, who has incurred very little, if any, moral responsibility. But I must say, that if the measure of my Noble Friend were adopted, the sheriff would be a much-injured individual; and we shall appear to have gone out of our way to offer him what I can call nothing less than a gratuitous insult. I have stated, now, Sir, what appear to me to be the objections to this Bill, even if we were sure that it would pass. But I here wish to ask the House—and it is a point worthy our serious consideration—whether we possess any assurance whatever that the Bill will pass?

The Right Honourable Baronet the Member for Tamworth has said that public opinion will be more reconciled to this measure, even if the Bill should fail; and that we should be fortified with more support, and have greater power, than we at present possess, to maintain the privileges of this House. I cannot, however, Sir, concur in that view. It appears to me that the efficient exercise of our privileges depends mainly upon the confidence which we can inspire, in our determination resolutely to maintain them. It is our want of determination alone that makes us weak. If that be the case, I would ask the House whether the difficulty we are placed in would not be tenfold aggravated by the result of the attempt to carry this Bill, if that result should be a failure? What is likely to take place in another House? There will be a great array of legal authority against us there. The proof that the House of Commons will have given, by the simple fact of bringing in this Bill, that they distrust their own powers, will tell greatly against us. Our privileges will not meet with very earnest defenders in the House of Lords; but, on the contrary, will have to encounter very powerful assailants. I believe that we shall of necessity be compelled to resume that struggle in which we have already been engaged, and to resume it with crippled means and weakened powers. I would ask my Noble Friend what reasonable hope he can hold out to us that this failure will not occur? What reasonable security can he hold out that the Bill will not be defeated? I must say it strikes me that my Noble Friend in that part of his speech expressed himself with a great want of confidence. He seemed to doubt whether he could venture to assure the House that he could rely upon the character of the Bill he proposes. And what are the other symptoms that indicate failure? The Right Honourable and Learned Member for Ripon has said that the Bill in its present shape ought not to pass, and is not likely to pass; and it appears to me that all those who have hitherto opposed the privileges of the House will be unwilling to consent to this Bill, unless it be put into a shape that would cause the humiliation and concession of the House to be greater than my Noble Friend would consent to make them. I do not hesitate to avow the belief which I entertain, — and entertain, indeed, with great sorrow, — but which is forced upon me by all I have observed in the progress of these discussions,— namely, that no small part of the opposition we have had to encounter has arisen from a dislike to the reformed House of Commons, and from a wish to degrade and humiliate it in the eyes of the country.

[Cheers from the Ministerial, and cries of "Oh, oh!" from the Opposition benches.]

I repeat it — to degrade and humilitate the reformed House of Commons. I do not, of course, attribute such motives to Honourable Gentlemen in this House, who are the leading men; but it is the opinion which I sincerely and reluctantly entertain, that the minority on this question has been greatly swelled by the prevalence of the feeling to which I have alluded. The feeling, in fact, has been scarcely disguised; and Gentlemen who have voted in the minority have hardly scrupled, in private life, to say, that had the privileges in contention been those of the unreformed House of Commons, their votes would have been different.

[Cries of "Oh, oh!" from the Opposition benches.]

I have heard this assertion with my own ears. I have heard it argued thus: — that the unreformed House not representing so great a proportion of the people, there would not have been so great a danger of its engrossing too great power and authority into its own hands; but that since the state of the representation has been altered by the Reform Act, — since the representatives of the people have become united more closely with their constituents, — since the democratic influence in this House has increased,— it has become dangerous to invest the House with so much authority. That is the argument I have heard used. I would ask any Honourable Gentleman who has observed the high excitement and ardour which have prevailed in supporting the views of the minority on this question, whether he can doubt that a feeling of that kind has actuated no small part of them? If such a feeling, then, exists in this House, will any man assure me that it will find no entrance, and exercise no influence in another place, where it is notorious that a large majority of the Members are of opinions congenial with those of Honourable Gentlemen on the opposite side of this House? If that be the case — if there be this source of danger, I would ask whether we, as the representatives of the people of England, are justified in incurring such a risk? I would ask how my Noble Friend who proposes this measure to the House can, after the course he has so long and with such high honour to himself pursued, reconcile his mind to the chance of exposing the House of Commons to so much danger, degradation, and humiliation? Nothing is more mortifying to me than the reflection that it should be from my Noble Friend, who has received such support from this House — such constant, firm, and unvarying support — that it should be from the hands of my Noble Friend, who introduced the great measure of parliamentary reform, that the power, the dignity, and the authority of this House are to receive this mortal wound. This, indeed, I do most deeply and sincerely deplore. Had the blow proceeded from another hand, I should not have been so much surprised. And why does my Noble Friend take this course? Has any new difficulty arisen now, that might not have been distinctly foreseen from the first? I, Sir, know of none. If my Noble Friend had been firm, my conviction is, that the House would have remained true to him, and have continued to him its support. I have seen no symptom of any hesitation — any wavering — any cowardice — any disposition to retreat, on the part of those on the Ministerial side of the House, who have hitherto generally supported my Noble Friend; and if my Noble Friend had continued resolute, I am satisfied that the Right Honourable Baronet the Member for Tamworth would not have deserted him. But my Noble Friend has chosen to give way. It is upon my Noble Friend's suggestion — my Noble Friend's advice — my Noble Friend's recommendation, that the House of Commons, after having commenced by threatening and blustering, is now humbly to recede from all its lofty pretensions, and to acknowledge the necessity of appealing for assistance to the other House of Parliament! I know, full well, that as my Noble Friend has taken this course, a majority of the House must be expected to support him. I know, full well, that no appeal, no remonstrance which so humble an individual as myself can make upon the subject, would be likely to prevail against the influence which my Noble Friend possesses with the majority of the House; but though I may be unsuccessful in inducing the House to adopt my views, I am determined, as far as in me lies, to do what I conceive to be my duty. I therefore emphatically declare that I will not be a party to a course of proceeding which I feel to be humiliating and degrading to the House of Commons. I, at least, when the division shall take place, will record my name as one of the opponents of this first step in that fatal line of concession, which, when once commenced, I know not where it may terminate.

Mr. MACAULAY. — I promise not to detain the House for more than a very few minutes; but I confess I have listened with so much pain to the expressions of my Noble Friend, and of one or two other Gentlemen, with whom, during the former proceedings upon this subject, I have most cordially concurred, that I am exceedingly unwilling to allow the question to go to a division, without explaining, very briefly, the ground upon which I shall give my vote, and the more particularly so, as I have not as yet taken any part in the discussions upon this question. I will not again go over the ground, on the present occasion, which others have already trod with an ability and eloquence which I am sensible I can only feebly imitate. I will only say, in general, that I believe the House of Commons to be, by the law of the land, the sole judge of its own privileges; that I believe the privilege of publication to be, by the law of the realm, one of the privileges of the House; that I believe it to be a privilege essential to the due discharge of the duties of the House; that I believe the decision of the Queen's Bench, which attacked that privilege, to have been a decision founded neither on law nor on reason; and that I never can give my support to any proposition which I conceive would tend to render that privilege doubtful. If the proposition now before the House were for a law to provide that, henceforth, this privilege should belong to the House of Commons, — to such a proposition I would give the strongest opposition in my power. But, such is not the proposition of my Noble Friend. I could perfectly understand, that by proposing to enact that such or such should be the right and privilege of the House, a question might be raised as to whether such a right or privilege had previously existed. The declaration that it should exist hereafter might appear to carry with it the implication that it had not existed previously. But the proposition, in the present case, is altogether a different one. All that is now suggested is, by a new law, to provide a new remedy for enforcing an old and well-established and undoubted privilege. I will take instances from cases perfectly familiar to every one. Suppose any Gentleman should propose to bring in a law to provide that a person, holding a bill of exchange for a good consideration, should be entitled to have an action against the acceptor of that bill to recover payment. The consequence of such a proceeding would be, to throw into a state of doubt the whole of the negotiable paper current throughout the kingdom. But if, on the other hand, a bill were proposed to this effect that the means of holders of bills of exchange not being sufficient to enable them to recover payment, therefore other means should, by a new enactment, be extended to them, will any person tell me that a measure of such a nature, acknowledging the right to recover in the fullest extent, but, giving to the holders of negotiable papers an additional remedy, — will any one tell me that such a measure would, in the smallest degree, bring into question the previously existing right of the holders of bills of exchange to proceed against the acceptors to recover payment? In point of fact, the proposition now before the House is not to provide, by a new law, that the House should have the privilege of publication — not to affect any of the existing remedies which the House already possesses for the vindication of its privileges, — but simply to superadd a new remedy. It is not even proposed to substitute the new remedy for the old ones. The Bill proposed by my Noble Friend leaves the old remedies absolutely untouched. If, after the passing of this Bill, any other person should think fit to imitate the example of Mr. Stockdale, and to set the privileges of the House at defiance, it will be as much as ever in the power of the House to send that person to prison. As I understand the Bill, it does not acknowledge, or in any way imply, that the House would not retain that power. It is founded merely upon this, — that the remedies which the House now possesses are, in some respects, imperfect, — in some respects inconvenient. And does not every Member of the House [illegible] knowledge that fact? The Noble Lord (Howick) has referred to conversations which have taken place out of this House. Is there a single Member of this House who, when he goes into the lobby, will hesitate to admit that there are some imperfections, — some inconveniences in he remedies which it at present possesses for the vindication of its privileges? Is that a perfect remedy which applies only to one half of the year, and which protects the privilege of the House during the sitting of Parliament, but leaves it wholly unguarded during the recess? Is that a perfect remedy which can only be applied by means of so large and so divided an assembly as the House of Commons? The Noble Lord has stated what he supposes to be the cause why so many Gentlemen on the opposite side of the House have ranged themselves against what he conceives to be the undoubted privilege of the House. But, whatever the cause, can there be any doubt as to its effect? Is there any doubt that there is within the walls of this House a large body of Gentlemen who have done everything in their power to prevent the House from enforcing its privileges? What has been the loss of time upon this question? Is it not a matter of regret that more time than has been occupied in the discussion of the most important measures — measures in which the interests of every part of the empire are deeply concerned — has this year been devoted to the discussion of a subject vexatious and troublesome in itself; and, though important, no doubt, in many particulars, singularly likely to be misconstrued and misunderstood by the people?

My Noble Friend says he thought it necessary, for the vindication of the privileges of the House, to imprison the sheriffs; but, at the same time, he says, he acquits them of all moral blame. Is it not a matter of regret, that the House, in order to vindicate itself, should be obliged to imprison persons guilty of no moral blame? Is that a convenient course? Let the House consider the case of the sheriff. He is not a person who has sought his office — not a person who is fined for his office. He is taken and compelled to serve, whether he will or not. He often makes great interest to be exempted. "No matter," says the Right Honourable Gentleman opposite, "you take him and compel him to serve — you place him between two opposite forces — he receives commands and counter commands from both — he cannot obey both; and the moment he obeys one, he is sent to prison for not obeying the other." Is that a state of the law desirable to be continued? Is it a state of the law in which the great body of the people are likely to acquiesce? I admit that the House has no choice in the matter; it is compelled to imprison the sheriffs. I admit, also, that if the House had not imprisoned the sheriffs, the Court of Queen's Bench would have imprisoned them. But that fact, so far from being an argument against the course now proposed by my Noble Friend, appears to me to furnish a strong ground in support of it. If a nation is forced to go to war, it is oftentimes compelled to make the innocent suffer with the guilty. If, for instance, there were a small neutral power situated between two hostile and belligerent nations; however anxious that small power might be to preserve its neutrality, and to keep itself distinct from the quarrels of its neighbours, it would almost inevitably happen that one or other of the two great powers would find it necessary, for the protection of its own immediate interests, or for the better prosecution of its hostilities, to encroach on the independence of the smaller state, and to make it an instrument in the advancement of its own views. This was conspicuous during the last war in the case of Holland. We knew how little Holland liked Bonaparte — how it detested his continental system — how it hated his dominion; yet we were at last forced to blockade her ports, and to treat her with severity, because it was essential to the preservation of our own interests and our own independence, to do so. In the same way, Sir, do I defend the necessity which compelled the House of Commons to send the sheriffs to prison. But I maintain, at the same time, that this is a state of things which renders it absolutely necessary for the House to resort to some legislative enactment to prevent a recurrence of similar difficulties for the future. I do not understand what a Legislature exists for, if not to meet such cases as these. If there be two powers in the state, neither of which is in the nature of a court of appeal from the other; if these two powers give counter orders to the same officer, and have the power of imprisoning him if he disobey; if the officer, distracted between the two, obeys one and is immediately imprisoned by the other; — then, surely, if ever there was a case in the world for legislative interference, this is one. Nay, I will go further. The Solicitor General stated, last night, that the House has the power of commitment; and then he went on to contend that all experience has shown that that power is sufficient to enable it to vindicate its privileges. No doubt, Sir, it would be sufficient, if it were vested in the hands of a party ready to exercise it unsparingly and mercilessly. If the House were, in all cases, to do that, I certainly believe that it would have no difficulty in carrying its point. We all remember to have read how the ancestor of my Noble Friend the Member for Cornwall (Lord Eliot) was treated, — how he was kept in prison till his spirits, health, and strength gave way, — how his imprisonment was continued even to the hour of his death. But, in the present day, it is impossible for the House of Commons to pursue so harsh a course. Our own good nature would not allow us to do so. The feelings of the people would not permit us to do so. The very moment that the health or spirits of a prisoner begin to suffer, that moment the House begins to relent; and either upon the instant, or shortly afterwards, the prisoner is set at liberty. So that when the House possesses itself of a prisoner of a robust and hardy constitution, it may have the power of completely vindicating its privileges, by detaining him in prison till the question at issue is arranged; but it may happen to have a prisoner of a bilious and apopleptic habit; in that case its privileges must be abandoned, or only feebly asserted, because the health of the prisoner suffers from confinement. Even if the health of Mr. Stockdale himself should appear to be seriously affected by his imprisonment, it is certain that he would not long be detained in custody. Under these circumstances, it appears to me, that the House is absolutely compelled to seek some other mode of protecting and vindicating its privileges.

The Noble Lord has asked what will be the effect, if this Bill should be carried through the House of Commons and lost in the House of Lords? I, however, hope that the Bill will be carried through both branches of the Legislature. I hope — most earnestly hope — that the other House of Parliament will interfere to save the country from the scandals and the horrors that will necessarily follow, if it shall drive the House of Commons, in absolute self-defence, to use the whole of the extreme power which it possesses for the protection of its privileges. But if the Bill should, unhappily, miscarry in the House of Lords, then I say this, — that the House of Commons will be absolved. We shall have gone to the other House, not in a degrading or humiliating manner, and shall have said, "We do possess the power of vindicating our privileges, — we have the power, if we please, of throwing the whole of the country into confusion, — we can stop the supplies, — we can stop the Mutiny Act, — there is no power which any political body can possess which we do not possess, — we have the power of imprisoning every man who invades our privileges, — we can commit every judge in the country, not being a peer, if he do not respect our privileges, — we have the power of confining every ministerial officer who shall execute the sentence of any court, if that sentence be at variance with our privilege; — but it is not our wish, by means like these, to enforce even the most necessary of our privileges; we apply for a new remedy, not because we have not in our own power remedies that are sufficiently stringent and effective, but because those remedies are such, that some of them cannot be applied without the dissolution of society, and a cruel pressure upon individuals. We have remedies sufficiently severe, — we look to you, my Lords, to assist us in adopting one of a milder nature. We have remedies sufficiently powerful to enable us to attain our ends, but which, from their severity, would be disagreeable to the great body of the people; and we ask you, my Lords, to give us a remedy which the whole of the people, without exception, will unite in approving." I believe that, going before the House of Lords in this manner, we should occupy the post of no mean suitors. I believe that there will be nothing degrading, on the part of the House of Commons, in bringing forward a measure the object of which is to secure the liberties of the people, and, at the same time, to enable the House to act with greater lenity, in all its dealings with those who, from the misfortune of their situations, or from some other cause over which they have little or no control, may have been guilty of violating its privileges. I believe that, if the House of Lords refuse to give its assent to such a measure, the House of Commons would then be fairly supported by public opinion in the adoption of measures much stronger than any to which it has yet resorted. I believe that measures, stronger even than those suggested by the Honourable and Learned Member for Dublin, would find a support out of the House greater than is imagined by any who sit within it; if, having proposed a mild remedy for the protection of its privileges, the House should be told by the Lords, that to that mild remedy they would not give their assent.

LORD VISCOUNT MAHON.—Sir

after the best consideration I have been able to give to this subject, I feel it my bounden duty to support the motion now before the House; and my object in rising is, to point out to those who hitherto have voted in the minority, how, consistently with every opinion they have expressed, and with every vote they have recorded, it is now equally their bounden duty to offer no obstruction; but, on the contrary, to give every facility to the motion of the Noble Lord. The question is not, whether the Noble Lord's Bill is a good one or a bad one, or whether it should be accompanied by any modification or rescinding of the order of sale: the real practical question for our consideration this night is this, — shall we have any Bill at all? That is the practical question; and to that question I can give only one answer, — a decided affirmative. But I will go even further, and state that I mean to meet the Bill of the Noble Lord in a spirit of frankness and conciliation, and with an earnest desire for the final adjustment of this much-debated question. I do not pledge myself to any of the details of the Bill, nor even to the principle of it; but I will consider it in a conciliatory spirit, and with a most unfeigned wish that it may be in my power to concur in it. My Noble Friend the Member for Northumberland is mistaken when he supposes that the opposition to the asserted privilege of the House arises out of a desire, on the part of many of the Gentlemen who sit on the Opposition benches, to lower and degrade the reformed Parliament in the estimation of the people. From whatever source my Noble Friend has derived that impression, he may rely upon it that it is wholly erroneous. We on this side of the House have accepted the Reform Bill, as the settlement of a great constitutional question, and upon the assurance of its promoters that it was to be a final measure; and we have pledged ourselves not to impair its efficiency. I can only say that, for my own part, I am willing to secure to the House, at the present moment, every one of the rights, privileges, and immunities which it possessed at the passing of the Reform Bill. Up to the passing of the resolution of sale, in 1825, there is not one of the privileges of the House, which, if necessary, I would not strengthen and confirm by legislative enactment. But to the resolution of sale I entertain an insuperable objection. The resolution as to the sale of our papers is, in my opinion, the great practical difficulty that has given rise to all these proceedings. In that opinion I have been supported by the Honourable and Learned Members for Exeter and Ripon, and by almost every lawyer in the House. But it is said that the practice of sale existed previous to the resolution. Why, then, pass that resolution?

LORD JOHN RUSSELL. — It was partial before.

LORD VISCOUNT MAHON. — It was certainly partially the practice before; but the sale was allowed merely by connivance, and was never sanctioned by the law of Parliament or of this House. I put it, then, to the Noble Lord, whether he thinks he can maintain a resolution passed only five years ago, as one of the ancient privileges of Parliament? I cannot doubt that that resolution is the main obstacle to the satisfactory adjustment of this question. It is right that the House should have full information before it; but it is also right that it should protect the character of individuals from useless slander. I regard the privilege of publication to our constituents as essential to our duties. Take, for instance, the case of the question as to the disfranchisement of the borough of Stafford. Would it not have been unfair that any Honourable Member should have been exposed to the danger of losing his seat for his vote on that question, for want of the power of sending down to his constituents the Report of the Committee containing the facts and representations on which he gave his vote, and which, his constituents would be the first to see, justified his vote? But there is a vast distinction between the publication of the proceedings of Parliament to the constituents who return Members to Parliament, and the putting up of the printed Reports of its proceedings to public sale. I admit the necessity of the one, but I deny the propriety of the other. But might not a clause be introduced into the Bill, setting forth that any party who, before the House or its Committees, should give false information, should be liable to the same penalties as those guilty of perjury at present are in courts of law? I will not state this as an indispensable clause; but I throw it out as a suggestion to the Noble Lord. I much wish that the Noble Lord would either grant the appointment of the Committee which my Right Honourable and Learned Friend the Member for Ripon is about to move for, or that he would direct the Committee already existing upon this question to turn their attention to its practical consideration. I have thrown out these views for the consideration of the Noble Lord; but as for my present vote, it will be in favour of giving leave to bring in the Bill.

Mr. BERNAL. — I cannot but think that any reference to the old topics of debate is, on this occasion, quite unnecessary; but the Noble Lord who has just sat down has compelled me to repeat what has been again and again stated to the House — that the judges have held, that the question of sale has nothing to do with the matter, and that it is altogether a question of privilege. The Noble Lord the Member for Northumberland has said, that the introduction of this Bill is fraught with evil. To me, however, it appears, that the whole question before the House is a mere choice of evils; but I cannot agree with the Noble Lord, that, in introducing the present measure, my Noble Friend the Member for Stroud has evinced the least desire to call upon the House of Commons to do any act that will either humiliate or degrade it. Much stress has been laid on the action which has been brought by Mr. Howard against the Sergeant-at-Arms; and it has been asked, what course will the House take in that case? I, for my own part, do not look upon that question as one of any magnitude, or in any degree calculated to sway the House in the decision to which it should come on the present occasion. The Court of Queen's Bench has acknowledged that the House of Commons possesses the right of committal. If, then, Mr. Howard shall proceed with his action against the Sergeant-at-Arms, on the ground of his commitment, by order of the House, the Court of Queen's Bench will, I have no doubt, scout any such action. It has been argued by the Noble Lord, that there is great reason to apprehend that the House of Lords will be adverse to the proposed measure. I, however, see no just ground for any such apprehension. The House of Lords are equally interested with ourselves in maintaining the privilege of publication; and I do not think it is reasonable to look prospectively to any supposed factious spirit or mischievous feeling on the part of the House of Lords, such as might induce them to oppose this Bill. I beg to ask those Honourable Members who have objected to the introduction of the Bill, but who, at the same time, arraign the judgment of the Court of Queen's Bench, in what way it is that they would propose to reverse that judgment? I did not hear my Honourable and Learned Friend the Solicitor General, in his argumentative speech of last night, state what it is he proposes to do with that judgment. If the Bill be introduced, in accordance with the spirit announced by my Noble Friend, it will not, in the smallest degree, strengthen the decision of the Court of Queen's Bench. The Bill will leave that judgment precisely where it is; nor will the House, so far as I can see, in any degree compromise itself. All that the House does by the introduction of this Bill, is, to declare that it has been led, by a consciousness of what is due to itself and to the country at large, to propose a moderate measure, which may tend to mitigate the severity of those proceedings which the House has, in vindication of its privileges, been hitherto compelled to adopt.

Mr. CHARLES HOPE. — The Noble Lord opposite, the Member for Northumberland, has said, that the minority on these questions has been swelled by those who wish to lower the reformed House of Commons in the eyes of the world, by depriving it of its legitimate powers. I merely rise, Sir, to observe, that I cannot allow such an argument to go uncontradicted for a moment; and I never before heard any such reason advanced as the cause for the opposition to the Noble Lord and his supporters, upon this, or any other question.

Dr. LUSHINGTON. — It is my intention to vote for the introduction of this Bill; and in doing so, I do not believe I shall be guilty of any vacillation of conduct, or be abandoning any principle I have formerly avowed, or prove myself destitute of any of that courage which every man ought to possess, when the most valuable privileges of this House are questioned. I deny that, in adopting this course, I am party to any act of degradation, or, in any degree, departing from the line I have hitherto pursued. What is the question we have now to determine? The question is this — whether it is expedient or not, under all the existing circumstances of the case, to allow the introduction, for further discussion, of the measure of my Noble Friend? I admit this to be a question of momentous importance. According to the best of my knowledge and recollection, it is the very first instance in which the House of Commons, for the protection of its privileges, has been compelled to resort to any legislative measure. And, in this view of the case, I have given it my most mature consideration, feeling fully aware that I am about to establish a precedent, and well weighing what the consequences of that precedent may be. I think that when the question comes to be considered, in the way in which it ought to be, it will be necessary for us to divide it into two parts. We must consider what may be the probable consequences and effect of the measure, if it shall pass, and what may be its possible effects, in case it should be defeated. It will become our duty to address our attention to those two points, like senators and legislators, shutting not our eyes against any dangers that may arise if the Bill shall become a law; nor against those which are almost certain to arise, if it should be rejected. But I must confess, that I cannot consent to put the question upon the principle for which my Honourable and Learned Friend the Member for Exeter has contended. Without, however, entering into the legal argument with my Honourable and Learned Friend, on this occasion, I will content myself by simply stating, that the difference between my Honourable and Learned Friend and myself is this: — I contend, that the House of Commons is the judge of its own rights; my Honourable and Learned Friend has told us, that we had better go to the courts of law to ascertain what our privileges are. I, Sir, however, believe that the House of Commons already possesses the power to maintain its privileges; but I, at the same time, agree, that to exercise that power to its full extent, so as to render it efficient, would be to produce inconveniences, and force on consequences which I, for one, shudder to think of. But, before I accede to the argument of my Honourable and Learned Friend, it must first be proved to me that it is utterly impossible to maintain the privileges of the House of Commons without the direct authority of the Court of Queen's Bench. Let this be proved to me, and then I will say that, melancholy as the condition may be, still it would be my duty to go to the courts of law. But it is equally my duty, and the duty of the House, if it be possible, to find some means by which we may at one and the same time maintain our privileges, and avoid consequences which every sober-minded man must deprecate. Suppose the Bill should fail,—I put this question to the judgment of every man, whether the Government would not go back to the country with every possible advantage? Would not the public say to them, — "You have endeavoured to avoid the deep necessity of the measure which you have been adopting. You have yielded to the opinion of those who thought you had gone too far; you have sought, by a legislative measure, as far as possible to maintain the privileges that are essential to the efficient discharge of your functions; but you have been defeated; and the question you have now put to us — to the country — is this: — 'Shall we, the Government, consent to shut out all information from the people, or shall we maintain our right of publication by a measure universally to be deprecated, if not one of absolute necessity; but if of absolute necessity, for the maintenance of a countervailing good, shall we maintain our right and our privilege by such a measure?'" It is my decided opinion, that if the Government were to go to the people upon that question, the people would go with them.

LORD JOHN RUSSELL. — I am sorry, Sir, to have again to address the House upon this question; but there are two or three arguments which have been used against the principle I have adopted, — and arguments which some persons may consider of great apparent force, — which I do not like to pass over without, at least, attempting to give some answer to them. The first is the argument which has been put by my Honourable and Learned Friend the Solicitor General, and which seems to have made a great impression on the House. It was this: — that, by introducing this Bill, and even by its passing, in the shape in which it is introduced, through both Houses of Parliament, we should be, in fact, confirming that judgment which has been so often called in question, and which all the more eminent members of the legal profession in this House, as well as other Members, the best acquainted with the privileges and proceedings of the House, have been almost unanimous in their opposition to. Now, I do not think that that is, by any means, a well-founded objection. It has not been, and cannot be, stated by those opposed to the Bill, that if it were to pass, the judgment of the court would be thereby annulled, or, in fact, reversed; although some other plan for effecting that object might have been adopted. My Honourable and Learned Friend himself admitted that a Bill intended to reverse the judgment of the Court of Queen's Bench would not be likely to pass through Parliament; and I therefore think that it would be most imprudent to introduce any such Bill. If, then, no such Bill can be introduced, it is rather too much to urge as an objection to this particular Bill that it will not have the effect of reversing such judgment. But the argument rests merely upon an inference. There is nothing in the Bill itself that goes to for my present vote, it will be in favour of giving leave to bring in the Bill.

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LORD JOHN RUSSELL. — I am sorry, Sir, to have again to address the House upon this question; but there are two or three arguments which have been used against the principle I have adopted, — and arguments which some persons may consider of great apparent force, — which I do not like to pass over without, at least, attempting to give some answer to them. The first is the argument which has been put by my Honourable and Learned Friend the Solicitor General, and which seems to have made a great impression on the House. It was this: — that, by introducing this Bill, and even by its passing, in the shape in which it is introduced, through both Houses of Parliament, we should be, in fact, confirming that judgment which has been so often called in question, and which all the more eminent members of the legal profession in this House, as well as other Members, the best acquainted with the privileges and proceedings of the House, have been almost unanimous in their opposition to. Now, I do not think that that is, by any means, a well-founded objection. It has not been, and cannot be, stated by those opposed to the Bill, that if it were to pass, the judgment of the court would be thereby annulled, or, in fact, reversed; although some other plan for effecting that object might have been adopted. My Honourable and Learned Friend himself admitted that a Bill intended to reverse the judgment of the Court of Queen's Bench would not be likely to pass through Parliament; and I therefore think that it would be most imprudent to introduce any such Bill. If, then, no such Bill can be introduced, it is rather too much to urge as an objection to this particular Bill that it will not have the effect of reversing such judgment. But the argument rests merely upon an inference. There is nothing in the Bill itself that goes to confirm the judgment. The preamble of the Bill states that it is necessary that the House of Commons shall have the power of directing the publication of its own papers and proceedings; and it is then enacted that those publications shall not be questioned in the courts of law. Therefore, neither in its practical effect, nor in its general averments, does it decide in favour of the judgment given by the Court of Queen's Bench; and it is a mere inference, that, because the judgment is left on record, and because, in legislating on this question, Parliament has not immediately interfered with it, therefore it is confirmed and made stronger than it otherwise would have been. I do not find that such an inferential opinion is, in any way, sanctioned by what has occurred in other cases of privilege. It might be supposed from the argument of my Honourable and Learned Friend, and also from the statement of my Noble Friend the Member for Northumberland, that these privileges have been maintained solely by the House of Commons, without requiring or obtaining assistance from the other House of Parliament; and that the power of commitment, which is vested in the House of Commons, is so vested by the unanimous consent of the courts of law. But is that the case? What has taken place with respect to the highest privilege which the House possesses, — namely, liberty of speech within the walls of Parliament? Sir John Eliot made a speech, which was perfectly justifiable, relating to the state of the country, and the arbitrary power exercised by the Crown. He was prosecuted and condemned to pay a fine of 2000*l*. This occurred at the time of the Long Parliament, which was followed by scenes of turbulence to which, of course, it is not necessary for me now to allude. But after the Restoration, it was thought necessary to take some proceedings with regard to that judgment; and resolutions condemnatory of it were passed by the two Houses of Parliament; and, afterwards, a writ of error was brought into the House of Lords, by which the judgment against Sir John Eliot was reversed. Now, can it be said that freedom of speech in the House of Commons has been in the least degree injured, weakened, or in any way impaired, by there having been a decision of the House of Lords in the reign of Charles II., against the previous judgment which had called in question that privilege? We now enjoy that privilege, not only under the judgment of the House of Lords, but by the Bill of Rights, and various other Acts of Parliament; and no Honourable Member can contend that we do not enjoy the liberty of speech as fully, as entirely, and as completely, in the shape of a privilege, as if the decision of the House of Lords had never been given, and as if no Act of Parliament existed on the subject.

I may mention another privilege, in illustration of this argument; that any act done by the Speaker, on the part of the House of Commons, shall not be called in question by any Member of this House. Now, if it were possible to weaken that privilege, I should imagine that it would have been seriously injured by the proceedings in the case of the King *v.* Williams. In that case, there was a judgment in the court of law, which took effect; and although a Bill was introduced to reverse that judgment, it ultimately failed. And is that judgment good? On the contrary, the judges who gave the decision in the case of Stockdale *v.* Hansard admitted that it was an illegal judgment. Lord Denman said, that even if this case had not been bad law, it would, still, be worthy of the severest censure. Mr. Justice Patteson said, "I agree that the case of 'The King *v.* Williams' is not to be relied on. The political character of it, the violence of the times, and the arbitrary power of the Crown, deprive it of authority as a solemn judgment of the court." Now, although there have been instances in which Parliament has interfered, — and although those attempts have not been successful, — yet the privilege has been maintained unimpaired. Am I not, then, justified in saying, that, though an Act of Parliament may give greater facility to the exercise of privilege in one case, and though it may fail to do so in another, still the privilege will remain on the same foundation as that on which it now stands; and yet the whole argument of my Honourable and Learned Friend the Solicitor General, and of my Noble Friend the Member for Northumberland, was founded on the assumption that, by introducing a Bill, — by consenting to legislate on the subject of privilege, — that privilege will be not only impaired, but destroyed. If that argument were correct, this consequence must follow, that liberty of speech in this House, and the powers of the Speaker, as its official organ, would be impaired, if not destroyed; because we have assented, on both these questions of privilege, to the decisions of the House of Lords, and because we have asked the House of Lords to assist us in particular cases, which have required the intervention of the Legislature. Those two great privileges are solemnly declared the Bill of Rights, and have received the sanction of the Legislature; and I confess that I do not see how the privileges of this House will be now impaired by the proposal to introduce this Bill. I must, after what has fallen from my Noble Friend (Lord Howick), again state what is my paramount reason for legislating upon the subject. My Noble Friend has represented me as saying, "We have totally failed in asserting our privilege; our privilege is weak and valueless; we cannot maintain it, and therefore we must surrender it, and seek other assistance, in order to maintain this necessary power." I said no such thing — I made no such assertion. What I did say was, that we are engaged in a conflict of considerable difficulty; that I did not doubt, if pushed to the extreme, the powers of the House would be superior in the conflict,—and that is my belief;—but I added that the manner of exercising those powers was very imperfect, and might bring us into a conflict, which it is desirable to avoid. That I believe to be the general opinion of the House; because my Honourable and Learned Friend the Solicitor General has admitted that the House, by the course it is now taking, is travelling to a point which must bring the matter to a crisis; and the Honourable and Learned Member for Dublin has said, to-night, that we must very soon come into direct collision with the judges.

Now, Sir, much as we have been taunted on the subject, I do not consider that the present is a question upon which the only quality to be exhibited is the quality of courage. I confess that, where evils can be avoided without incurring the loss of any of the essential powers of the House, I think a little prudence may be necessary. I trust, if it shall be absolutely necessary to enter into direct collision with the judges, that I shall not be wanting in firmness or courage to enter upon that course. But I must say, that, as to a courage for entering entirely, wantonly, and needlessly, and without an absolute and overwhelming necessity, into a conflict which must tend to lower the character and authority of our tribunals, and to divide the people of this country into hostile parties upon a very difficult question,—and which, in the end, may not only prevent us from obtaining those measures of legislation which may render us powerful upon that particular question, but which may sink us in the public estimation, and impair our other necessary legislative powers, perhaps, for a whole Session, or for a whole year; — as to a courage to act thus needlessly, wantonly, rashly, and imprudently, I own I have it not. I think, if the House is prepared to enter upon this question with temper and forbearance, there is now a good prospect of arriving at a settlement. My Noble Friend says, that if I was prepared to propose the present course, I ought to have entered upon it long ago; but my Noble Friend must allow me to form my own judgment of the time when the attempt could be made with success. I was of opinion, at the commencement of the Session (and I did not disguise my opinion) that, if we then sent up a Bill to the other House, it would be likely to be received with the remark, that the House of Commons might maintain its own privileges; that no great public difficulty had yet arisen; that the House of Lords were always ready to maintain their own privileges; and that there was no necessity for any legislation. Now, what has happened since? In the first place, we have shown the power of the House to maintain its privileges by the commitment of the first movers in the transaction, and, also, by the imprisonment of the sheriffs; and this has led to great public inconvenience, of which the House of Lords cannot be ignorant. And what has taken place besides? There have been many discussions in this House which, to the whole country and to the House of Lords, must have conveyed a great deal of information as to the law of the case. I believe that the opinions of many Honourable Members of no inconsiderable legal character, and of great general attainments, have undergone a very great change with respect to the judgment of the Court of Queen's Bench, during the progress of this question; and that that change has been effected by the discussions which have been had, here. If these discussions have produced this advantage — if the opinions of the leading members of the successive Cabinets of the Duke of Wellington, of the Right Honourable Gentleman (Sir R. Peel), of Earl Grey, and of Lord Melbourne, are the same; if they all agree that this is a necessary power; and if the law officers of the Crown, who served under all those Governments, and other gentlemen of the highest legal reputation, entertain the same view; — if, after those opinions have been ascertained, and supported by arguments the most convincing, and by research the most elaborate, there should be a pause in the proceedings of the courts of law, I think that that may be a fitting time to attempt legislation; and that the minds of men will be more likely to take a just view of the case, than if, at the commencement of the Session, I had proposed to proceed, not by way of commitment, but by the introduction of a Bill. The Noble Lord the Member for Hertford has referred to the resolution for the sale of the papers. I do not wish to allude to that part of the subject, now, because it is totally beside the question whether or not we can legally publish our proceedings. That is a question entirely within the discretion of the House. I do not deny that it may be convenient to review all the orders which have been made by the House for the regulation of its publications. In 1817, the forms of the House were entirely changed; many alterations have since been made, as matters of expediency for the moment, and, ultimately, the sale was authorised. So, also, the various checks, intended to prevent publications that can be wantonly injurious to individuals, have been altered from time to time; and I shall not oppose any investigation on the subject. But that has nothing to do with the question under discussion. I am not aware that it is necessary to make any further remarks, except as to one part of the Bill. I have been asked whether it will give any remedy with respect to the action which has been brought against the officers of the House who have been concerned in the proceedings connected with the case of "Stockdale *v.* Hansard." I intend to insert a clause for the purpose of putting a stop to those actions.

SIR E. SUGDEN. — And to the action brought by Mr. Howard?

LORD J. RUSSELL. — Yes. I trust that the House will now allow me to introduce the Bill — that it will not decide at once that no legislation shall take place on the matter, without, at least, seeing the Bill I mean to propose.

The House divided: — Ayes 203, Noes 54; Majority 149.

AYES.

Adam, Admiral
Ainsworth, P.
Alsager, Captain
Alston, R.
Ashley, Lord
Bagot, Hon. W.
Baillie, Colonel
Baker, E.
Baring, Rt. Hon. F. T.
Baring, H. B.
Barnard, E. G.
Barry, G. S.
Bentinck, Lord G.
Berkeley, Hon. H.
Bernal, R.
Blair, J.
Blake, W. J.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, C.
Burrell, Sir C.
Busfeild, W.
Byng, G.
Calcraft, J. H.
Campbell, Sir J.
Cholmondeley, Hn. H.
Clay, W.
Clerk, Sir G.
Clive, Hon. R. H.
Colquhoun, J. C.
Cochrane, Sir T. J.
Copeland, Alderman
Craig, W. G.
Dalrymple, Sir A.
Darby, G.
Davies, Colonel
Donkin, Sir R. S.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duke, Sir J.
Duncombe, T.
Duncombe, Hon. W.
East, J. B.
Egerton, W. T.
Eliot, Lord
Elliot, Hon. J. E.
Ellis, J.
Evans, Sir De L.
Farnham, E. B.
Feilden, W.
Fielden, J.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Hon. H.
Follett, Sir W.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Gordon, Hon. Captain
Goring, H. D.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hall, Sir B.
Harcourt, G. G.
Hardinge, Rt. Hn. Sir H.
Hawes, B.
Hayter, W. G.
Heathcote, Sir W.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, Rt. Hn. J. C.
Hobhouse, Right Hon. Sir J.
Hodgson, F.
Hodgson, R.
Holmes, Hon. W. A'Court
Hope, G. W.
Howard, Hon. E. G. G.
Howard, P. H.
Hurt, F.
Hutchins, E. J.
Hutt, W.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irving, J.
James, Sir W. C.
Kelly, F.
Kemble, H.
Knight, H. G.
Labouchere, Rt. Hon. H.
Lambton, H.
Lascelles, Hon. W. S.
Leader, J. T.
Lennox, Lord G.
Liddell, Hon. H. T.
Lincoln, Earl of
Lister, E. C.
Lockhart, A. M.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
Mackenzie, T.
Mahon, Lord Viscount
Marton, G.
Mildmay, P. St. John
Milnes, R. M.
Morpeth, Lord Visct.
Morris, D.
Muskett, G. A.
Neeld, John
Nicholl, J.
Norreys, Lord
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Pakington, J. S.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Pattison, J.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Phillpotts, J.
Pigot, D. R.
Plumptre, J. P.
Praed, W. T.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Sandon, Lord Visct.
Sanford, E. A.
Scarlett, Hon. J. Y.
Sharpe, General
Sheil, Rt. Hon. R. L.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stanley, Hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, James

tock, Dr.
turt, H. C.
tyle, Sir C.
utton, Hn. J. H. T. M.
eignmouth, Lord
hompson, Alderman
roubridge, Sir E. T.
ufnell, H.
urner, E.
urner, W.
yrell, Sir J. T.
ere, Sir C. B.
ernon, G. H.
ivian, J. E.
alsh, Sir J.

Ward, H. G.
White, A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Worsley, Lord
Wyse, T.
Yates, J. A.

Tellers.

Parker, J. (Sheff.)
Stanley, Hon. E. J.

NOES.

glionby, H. A.
glionby, Major
ttwood, M.
ellew, R. M.
ewes, T.
owes, J.
ridgeman, H.
rowne, R. D.
ulwer, Sir L.
utler, Hon. Colonel
ollier, J.
orbally, M. E.
'Israeli, B.
asthope, J.
llis, W.
vans, G.
vans, W.
wart, W.
ort, J.
isborne, T.
reg, R. H.
uest, Sir J.
awkins, J. H.
ill, Lord A. M. C.
indley, C.
obhouse, T. B.
odges, T. L.
oward, F. J.
owick, Lord Visct.

James, W.
Lushington, C.
Marshall, W.
Martin, J.
Melgund, Lord Visct.
Muntz, G. F.
O'Connell, D.
O'Connell, John
O'Connell, M.
O'Conor Don
Rundle, J.
Somers, J. P.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Sugden, Rt. Hn. Sir E.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Villiers, Hon. C. P.
Wallace, R.
Warburton, H.
Williams, W.
Wood, G. W.
Wood, B.

Tellers.

Hume, J.
Wilde, Mr. Serjeant

Bill ordered to be brought in by LORD OHN RUSSELL, MR. ATTORNEY GENERAL, nd MR. MACAULAY.

Bill subsequently presented, and read a rst time; to be read a second time on onday next, and to be printed.

UPPLY—MR. SHERIFF EVANS.

LORD JOHN RUSSELL.—Sir, I ove "That the Order of the Day for he Committee of Supply be now read."

Question put.

SIR J. GRAHAM.—I rise, in pursunce of the notice which I gave last night, o move an amendment on this order. fter the protracted discussion in which his House has been so very recently engaged, it would be inexcusable in me to reface my amendment by any lengthened bservations. I cannot, however, avoid congratulating the House on the circumstance of its having at length made some advance towards a satisfactory settlement of this question. I was in hopes, and, indeed, I expected, that a resolution, similar in substance to that with which I am about to conclude, would have been moved by the Noble Lord the Member for Northumberland, who, on a former occasion, expressed his strong sense of the great inconvenience which must ensue from the protracted imprisonment of Mr. Sheriff Evans. I understood the Noble Lord to say that, though the House had been driven to the necessity of vindicating its privileges in the present instance, still he was afraid that if its power should be pushed to extremity, public opinion might thereby be outraged, and the privilege itself put into considerable danger. The Noble Lord has said, to-night, that if the present Bill should pass, the sheriff will be considered as a very ill-used man. In this opinion I do not concur; but, if it be entertained by the Noble Lord, I think it strange that the present motion has not originated with him. In the course of the discussion last night on the subject of punishment, a principle was laid down, in which I fully agree, that if punishment be carried beyond a certain point, the public sympathies will be enlisted on the side of the offender, and the repugnance to the offence lost sight of in those sympathies. I hope the House will bear this principle in mind in considering the question which I am about to bring before it. The Right Honourable Gentleman the Secretary at War says that the conduct of the sheriffs is free from the imputation of moral guilt; and that even if the health of Stockdale himself should suffer, in consequence of close imprisonment, his confinement ought not to be protracted. In both these opinions I fully concur; but especially in that which exempts the sheriffs from moral guilt in the course of the proceedings which led to their imprisonment. The House must bear in mind the peculiar and difficult circumstances in which they were placed; and even the present Bill, upon the introduction of which so large a majority has just decided, is an admission that the present struggle on the question of privilege is a conflict between two co-ordinate jurisdictions; and this having been so, it was impossible, when their decisions were at variance, for any human being to yield obedience to both. The sheriffs were placed in a choice of difficulties; and, in deciding conscientiously what was their duty, their judgment led them to the conclusion that they were bound to obey the directions given by the highest legal authorities; and it was not at all unnatural that, in making the selection, they should lean to the side of the Court of Queen's Bench, whose officers they were; but, in doing this, they have unhappily incurred the displeasure of the House of Commons, and been guilty of a breach of its privileges. Up to this moment, I have always voted for the maintenance of the privilege which is now in question, and against every attempt to liberate the sheriff; but, having heard the evidence of two medical men as to the imminent danger which is likely to result to the sheriff from a continuance of close confinement, and taking into consideration the length of time that that confinement has already lasted, together with the other circumstances of the case, I have now come to the conclusion that some enlargement should take place. I will not make any lengthened reference to the evidence of the medical men; but I think the testimony given by Mr. Freeman is such as to call for the most serious consideration of the House. It appears that he has attended Sheriff Evans, as his medical adviser, for seven years, during the last two years of which the sheriff has laboured under a chronic malady. It further appears, that that malady has seriously increased since the sheriff's committal; and Mr. Freeman attributes that increase to his confinement, and says that he would not incur the responsibility of recommending the continuance of his close confinement. It may, perhaps, be urged, that this witness, in consequence of his long attendance on Mr. Sheriff Evans, may be prejudiced in that gentleman's favour; but such an objection cannot be made to the testimony of Dr. Chambers, which was strictly confirmatory of that given by Mr. Freeman.

Then there is another question, — as to how far the conduct of the sheriff has been tainted with moral guilt? Can any moral guilt be said to attach to the conduct of one who has thus exercised his judgment, in accordance with the dictates of his conscience? Surely, if even he were in the enjoyment of perfect health, there must be some sympathy with such a man. But that is not the case. I am satisfied that every Member of this House would regret, to the latest hour of his life, any fatal catastrophe that might result from the continuance of the confinement of the sheriff; and it must be in the recollection of Honourable Gentlemen that the evidence implies not only corporeal, but great mental suffering; and, in the opinion of Dr. Chambers, the only security for the health of the sheriff is to be found in perfect freedom. When I gave notice for a motion for the enlargement of the sheriff, I thought it my duty to look for precedents likely to authorise the course which I meant to propose. I am unwilling to detain the House with quotations; but there are four distinct cases in the reign of George II., in which bail for appearance was taken by the House. The first case occurred on the 15th February, 1731, when a question arose with regard to a charitable corporation, which was referred to a Committee of the House of Commons; and before that Committee grave allegations were produced against the persons forming the corporation, on account of certain frauds of which they had been guilty, in detaining the property of the poor persons interested in the charity. Among the individuals to be examined on that occasion, was a person named Avery. On the 18th of February, he was committed to the custody of the Sergeant-at-Arms. On the 24th he was allowed to go at large upon bail, and on the 28th the recognisances were completed. But, it may be said, that this was the case of a witness seeking to escape; and that the precedent is not available for my present purpose. But, arising out of the same transaction, there is a case somewhat stronger: — Sir A. Grant, a Member of the House of Commons, was required to explain his conduct in reference to the transaction. His explanation was not satisfactory, and on the 6th of April, 1732, he was committed to the custody of the Sergeant-at-Arms. On the following day he was discharged upon bail, which was satisfactory to the Speaker. It may be said that Sir A. Grant was a Member of this House and that, therefore, the House may be supposed to have exercised a jurisdiction of a particular character in his case. The third instance occurred in the year [illegible], in the case of the York Buildings Company; when a person was committed for attempting to withdraw himself from examination, and discharged on entering into a recognisance to attend when required. I have one more precedent which appears to me to be exactly in point, because it is a case of complete judgment and execution. I allude to the case of the Honourable Alexander Murray, which arose out of the Westminster election, on the 20th of January, [illegible]. In the course of that election, a series of disturbances took place, by which the high bailiff of Westminster was prevented from making his return, and for not making which he was called to the bar of the House. He there accused Mr. Murray of ill-treating him, and molesting him in the execution of his duty; and, on the [illegible] of

January, an order was made for the attendance of Mr. Murray on the 1st of February. On that day he was ordered into custody; but on the 4th he was permitted to go at large, on bail. He continued at large until the 6th, when he was brought to the bar, in consequence of an aggravated contempt, and committed to Newgate. I think it unnecessary to trace precedents any further. I have shown four distinct cases, in the reign of George II., where such a step as I now propose was taken by the House, the question of the validity of the bail being left to the Speaker. To the best of my judgment, these precedents, though not absolutely ruling the point, are strong enough, and of sufficient authority, to afford the House safe ground for proceeding in the manner which I now point out. If, however, the House should be of opinion that any other course is preferable, I shall gladly accede to it. I can conceive the necessity of insuring the attendance of Mr. Sheriff Evans, again, in the course of this Session; and if he were released on promising to appear again, even without bail, I should be satisfied; but, at the same time, I think the best course to pursue is that which I have now proposed, and I therefore beg to move, as an amendment, to leave out from the word "That," to the end of the question, in order to add the words "on consideration of the evidence of Mr. Freeman and Dr. Chambers, given at the bar of this House, with respect to the present state of the health of Mr. Sheriff Evans, who is in custody, the Sergeant-at-Arms attending this House do take such bail of Mr. Sheriff Evans as shall be approved of by Mr. Speaker, for the attendance of Mr. Sheriff Evans on the House of Commons, during the present Session of Parliament, whenever he shall be thereunto required by any order of this House, notice in writing of such order being left at the dwelling-house of Mr. Sheriff Evans; and that Mr. Sheriff Evans, upon giving such bail, be discharged out of the custody of the Sergeant-at-Arms attending this House," instead thereof.

Mr. P. HOWARD. — I have great pleasure in seconding the amendment proposed by the Right Honourable Baronet opposite, which, I trust, will receive the favourable consideration of the House. The arguments brought forward by the Right Honourable Baronet are certainly entitled to great weight; and I think, in justice and equity, we ought to accede to the proposition, particularly after the discharge of Mr. Sheriff Wheelton on the ground of indisposition. The country desires this House to maintain its privileges, but not to debase the courts of law; and I hope that its proceedings will not bear the appearance of persecution.

Question proposed, "That the words proposed to be left out stand part of the question."

LORD VISCOUNT HOWICK.—Sir, as the Right Honourable Baronet, in the course of his observations, has referred to a suggestion which I offered on a former evening, I beg, in a few words, to explain the great and obvious distinction which exists between that suggestion and the motion which has just been made by the Right Honourable Baronet. I proposed that the sheriff should not be relieved from the duress of remaining in custody. I wished to mitigate that custody as far as possible, consistently with its object; and, considering the station of Mr. Sheriff Evans, I thought the mere fact of his being confined to one residence, and detained from his usual avocations, would be likely to induce him to put an end to the contempt of which he has been guilty. I certainly never should have made the suggestion to which the Right Honourable Baronet has referred, if I had previously heard the evidence of Dr. Chambers; for that testimony cut away all the ground on which it could have been supported. But the Right Honourable Baronet does something entirely different. He proposes to relieve a man, who still remains in flagrant contempt of the privileges of this House, from all duress at all. He wishes merely to take bail for his appearance. Why, what better shall we be for any such security? There is not the remotest prospect that we should ever be at a loss to procure his attendance. Bail is only wanted when the attendance of a person is required, of whose future appearance some doubt is entertained; but, in the case of Mr. Evans, it would be perfectly idle to require it. If, therefore, we are to relieve him at all, it would be better to do so without requiring any security. If you mean to discharge him, do so at once, boldly, and upon general grounds; but let it not be upon any such ground as that of his ill health. After the evidence which has been given, if we were to adopt that course, we should establish a precedent fatal to our privileges, and fatal to the general system of the judicature of the country. Even the observations which passed the other night have had their effect. Those Honourable Members who were in the House at an early period of the evening are aware that the Honourable Member for Finsbury presented a petition from a friend of Vincent, who is at this moment suffering an imprisonment for sedition, in pursuance of his sentence, in Monmouth gaol, calling on this House, if the principle of discharging prisoners on the ground of ill health is to prevail, to suffer that person to be set at liberty. I think, therefore, that it would be extremely improper, and lead to very bad results, to lay down a principle applicable only to persons in a high rank of life, but which shall have no reference to those of inferior station. If we relieve Mr. Sheriff Evans on account of ill health alone, very few prisoners will remain in custody in any of Her Majesty's gaols, if any degree of consistency is to be maintained. I think that the motion of the Right Honourable Baronet is totally inadmissible; but I am bound to say that, after the decision to which the House has come, I shall not consider it of very great importance whether we determined that the sheriff shall be discharged on bail, or unconditionally.

[Cries of "Move!" from the Opposition benches.]

Undoubtedly I shall not move for the discharge of the sheriff; and even if such a motion be made by any other Honourable Member, I shall vote against it; but, at the same time, I shall take far less interest in this question, and attach far less importance to it, than I have before done, after the shrinking which I have observed from the course which ought to be pursued in the maintenance of our privileges.

Mr. KEMBLE. — I trust that, as this question is likely to arrive at an amicable conclusion, the House will at once come to a decision to discharge the sheriff; and I should certainly prefer that course to the one proposed by the Right Honourable Baronet. The Noble Viscount opposite has been pleased to say that he will not move for the discharge of the sheriff, and that he will oppose any motion to that effect; and I was much surprised to hear him express that sentiment, because I heard the Noble Viscount say, in an early part of the evening, that if the House were to consent to the introduction of the Bill of the Noble Lord, it would be an admission of having committed an act of injustice to the sheriff; and, for a practised debater, like the Noble Lord, I am at a loss to conceive on what principle, having expressed such an opinion, he should now refuse to repair that injustice, by concurring in a motion for the liberation of the sheriff. It certainly may be too much to call on the Noble Lord to make such a motion; but for the sake of his own consistency, if the Right Honourable Baronet moves the discharge of the sheriff, I hope to have the happiness of going out in a large majority with the Noble Lord. It has been said by the Noble Lord, that some Honourable Members on this side of the House have endeavoured to bring the reformed House of Commons into contempt. For my own part, I utterly repudiate such an assertion. Whatever may be my opinion of reform, and of the majority in the House, I never will consent to any measure which shall reflect upon the character of the House. I have, throughout these proceedings, been convinced that we should be compelled to retreat; I am satisfied that it is not the minority, but the majority, who have driven the House into a course calculated to wound its reputation; and if anything were wanting to convince me of this, the speech of the Solicitor General would be quite sufficient for that purpose. But there is another ground on which I think you cannot consent to detain Mr. Sheriff Evans. The Noble Lord (Lord J. Russell) has acknowledged that there is a clause in his Bill to make it retrospective. Now, I ask, with what justice you can bring forward this Bill, and ask the House of Lords to sanction it, if you do not manifest your desire to do what is right, by immediately releasing the sheriff. In the case of the other sheriff, the evidence was as weak as it is in the present case; and is it just, as you have released the one sheriff, that you should visit the other with increased severity? With a view to the correct settlement of this question, I hope the House will not allow the night to pass without coming to an almost unanimous determination to release the sheriff.

LORD VISCOUNT HOWICK. — I wish to say a word in explanation. I never did say that the sheriff had been treated with injustice. What I stated was, that if such a Bill as my Noble Friend proposes is allowed to be brought in, the sheriff will have reason to complain that he has been ill-used, in consequence of that Bill not having been brought in sooner, and of the period necessary for his confinement being thereby abridged. I meant that, inasmuch as there will be no necessity for keeping the sheriff in confinement after the Bill shall have passed, there will be just ground of complaint, on the part of the sheriff, that it was not introduced at an earlier period.

Mr. KEMBLE. — Sir, I am not conscious of having misrepresented the Noble Lord; and what the Noble Lord has just stated only confirms me in the belief that I have not done so, even through mistake.

Mr. HAWES. — I hope that the House will come to a decision on some clear and distinct ground, and that the sheriff will be discharged, either because he has purged himself of the contempt of which he has been guilty, or because he has been punished sufficiently to satisfy the object the House has had in view; or, on the ground of the state of his health. I think that there can be no difference of opinion as to the first two of these points; and as to the last, no one who has heard the evidence of Dr. Chambers can for a moment doubt that a weaker ground upon which to discharge an individual in custody was never offered. I put it to Honourable Gentlemen, who are in the habit of acting as magistrates, whether any court of quarter sessions would ever think of recommending a diminution of punishment, in any case, on such a statement. The Honourable Member for East Surrey appears to be of opinion that there is no distinction between the evidence, in the case of Mr. Evans, and that in the case of the former sheriff. Now, in the case of Mr. Sheriff Wheelton, the evidence of the surgeon was, that he could not guarantee his life from hour to hour if he were further kept in confinement. On such evidence as that, the prerogative of the Crown would be extended to almost any prisoner in confinement for a misdemeanour. But the evidence given at the bar in the case of Mr. Sheriff Evans has undoubtedly failed. If we wish to discharge the sheriff, let us do so on some clear and honest ground, and not under the pretence now put forward. If we discharge the sheriff, there are other persons in confinement for offences not involving moral guilt, who will be entitled, on evidence as slight as this, to call on the Crown for their liberation. It would be much more manly to follow the course proposed by the Honourable Member for Surrey, and at once discharge the sheriff, than to pursue the course proposed by the Right Honourable Baronet. Is the House about to stultify itself? Has the sheriff committed no offence? On the contrary, has not the House determined, vote after vote, that he has been guilty of a breach of privilege? And, if so, why should we, without any reason being assigned, change our course of proceeding? I call upon the Right Honourable Baronet to show anything in the evidence which can justify us in discharging the sheriff on account of the state of his health. I ask Honourable Gentlemen whether they, themselves, rely on the evidence which has been given? If they do, I implore them to turn their attention to the medical evidence given relative to Mr. Lovatt, and to support me in an Address for his discharge. I cannot see why the sheriff should have more sympathy shown to him than one of the working classes would receive, if placed in a similar situation. I should be sorry to say one word that would tend to prolong the confinement of the sheriff; but I feel bound to state that I have heard nothing which can justify the House in liberating him.

SIR THOMAS COCHRANE. — It appears to me, that, within the last few days, the circumstances with respect to Mr. Sheriff Evans have assumed a very different aspect; for a medical gentleman who would not condescend to the degradation of a falsehood, has come forward, unknown to that gentleman, and stated his health to be in a state such as to render his release necessary. We were told, the other night, that, in the consideration of this question, we were not to take into account the nature of the offence, but simply the statement of the medical man: but I cannot concur in that opinion. I cannot but consider that the punishment suffered by Mr. Sheriff Evans has been, already, quite sufficient. It is universally allowed, that he was an unwilling offender against your orders. Instead of taking the course which he might have done, of paying the money into court, he waited until the commencement of the Session, in order to show respect to the House. I ask, will you mete the same punishment to him as to Mr. Stockdale, who has given to the public immoral publications, and vindictively entered prosecutions against your servants, with the wicked intention of involving you in a painful contest with the judges? I have no hesitation in saying that I would not release Mr. Stockdale on such evidence as that now before the House; but I consider the case of the two parties entirely different. The medical attendant of the sheriff has informed you that he is prone to disease, and that further detention will be seriously injurious to his health; and I ask the House whether, considering that he is an unwilling offender, it will risk the further protraction of his illness? With respect to the proposition of the Right Honourable Baronet, to discharge the sheriff on bail, I have no doubt that mode of proceeding would answer all purposes; but I think it would be much better to say to the sheriff, "You have, no doubt, disobeyed the order of the House; we can still punish you; but as you are not a willing offender, and as your health is suffering, we will at once discharge you."

[Cries of "Divide, divide!"]

Mr. WAKLEY. — It is not my intention to detain the House more than a few minutes, after the lengthened discussion which has already taken place. In my opinion, the amendment does not meet the necessity of the case; and I regret that the Right Honourable Baronet has not gone much further. After the decision to which you have come on the Bill of the Noble Lord, you will exhibit yourselves, in the face of the country, as one of the most paltry and contemptible bodies that ever existed, if you retain any one of the parties implicated in these proceedings an hour longer in confinement. By the vote of this night, you have affirmed the decision of the court of law, and justified the course which Mr. Stockdale, Mr. Howard, and the other parties have pursued. Why, therefore, I ask, should you detain the sheriff in custody? Does your Bill at all affect the contempt which the sheriff has committed? Does it alter his position? No. But your decision gives an entirely new character to the conduct of the sheriff; — it informs the country, that you now flinch from the course which you had previously taken, — that you are no longer prepared to vindicate the privileges of the House, but that you succumb to the courts of law, and are prepared to prostrate yourselves at the bar of the House of Lords. I hope that you will be consistent, and that some Honourable Member will give notice of a motion for the discharge of all the parties, and I certainly will vote for it.

[Cries of "Move, move!"]

I cannot do so, now, because there is one amendment before the House already; but, if no other Honourable Member will make a motion of that kind, I will take the first opportunity of doing so; because nothing can be more unjust or preposterous than to keep them longer in confinement; for you have virtually admitted that those parties are in the right, and that you are in the wrong. I perfectly agree with the opinions last evening so ably expressed by the Honourable and Learned Gentleman the Solicitor General, to whose arguments no satisfactory answer has been given; and I will venture to tell that Honourable and Learned Gentleman that the course which he has pursued, in reference to this important subject, will secure for him a proud pre-eminence in the eyes of the public. That Honourable and Learned Gentleman has, in his place in this House, notwithstanding his connection with the Government, manfully defended the course which the House at first pursued; and I do not hesitate to say, that it is through the vacillating weakness of the Government, and through the turbulent and factious conduct of some Honourable Gentlemen opposite, that the House is placed in its present predicament. As Conservatives, I always expected they were prepared to yield obedience to the laws of the country.

[Cries of "Oh!" "Hear, hear!" and laughter from the Opposition benches.]

What! does not the law of Parliament constitute any portion of the law of the country? and is the law of Parliament of less importance than any other part of the law, because all the privileges and rights of the people are involved in it? And yet, what was the conduct of Honourable Gentlemen opposite, when they were called upon, judicially, to decide whether these parties had violated the law? The question submitted for their decision, in their judicial capacity, was no party question, and had nothing to do with political differences of opinion. That question was ably and constitutionally discussed in this House, and was one of the most grave and serious importance; but what was the conduct of the minority of the judges, — for, on this question, they sat as judges? No sooner did they find themselves in a minority, than a portion of them invited the people to violate the law.

[Cries of "Oh, oh!"]

You said, "This is tyrannical, — this is unjust, — this is persecution!" and you boastingly said there were hundreds and thousands prepared to follow the course pursued by Mr. Stockdale and Mr. Howard. One Honourable Member, who holds a judicial situation out of the House, when the sheriffs refused, at the bar, to comply with the resolutions of the House, jumped from his seat with the utmost animation, and, as a judge in this House, cheered most vociferously at their contumacy. Was that conduct becoming in a judge? Suppose, when the case of Frost was decided in the court of law, the six judges, who were in the minority, had said, "This is tyrannical, — it is unjust, — it is cruel,

— we advise the Chartists to resist your decision, which is infamous," — what would your language have been? Would you not have blamed that conduct? And yet such has been the conduct of the minority of this House on this most important subject; and, by that conduct, you have invited opposition out of doors, — you have prostrated the dignity and authority of the House before the country, and submitted its privileges to the decision of the House of Lords. Seeing the contemptible position of the House, — seeing to what a low pitch of degradation we are reduced, — I ask, are you prepared to increase that degradation, to bring upon yourselves a greater degree of public indignation, by adding cruelty and persecution to your other proceedings? I trust the House will do no such thing. I trust the sheriff will be discharged, — and discharged unconditionally; and I trust that the other persons in custody will also be discharged. I voted for their confinement with regret; but I did so from an overpowering sense of duty; because I thought it necessary for the vindication of the rights and liberties of the people. But, seeing that you have abandoned your position, and departed from the exalted ground which you at first occupied, — and seeing, also, that you have acknowledged that the course which you have hitherto pursued is wrong, — it is the duty of the House to vote for the unconditional discharge of the sheriff; and I hope there will not even be a division, but that the sheriff, and all the other persons in custody, will, after the introduction of this Bill, be liberated as a matter of course.

LORD J. RUSSELL. — It is not my intention to follow the example of the Honourable Gentleman who has just addressed the House; but I am anxious to say a few words on the real question which has been brought under consideration. I hope that the Honourable Gentleman the Member for Finsbury, when sitting in his court in his judicial capacity, puts the cases which come before him to the juries with a little more accuracy than he has been able to do upon the present occasion.

[Cries of "Hear, hear!"]

The Honourable Gentleman says, that the House has admitted, by the Bill which has been proposed, that all its previous proceedings have been wrong, and that Mr. Stockdale has been right. Now, if that be the way in which the Honourable Gentleman places the evidence which he may have heard before uneducated juries, I much fear that those juries will often be misled. The real question on which the House has to decide is, whether the sheriff shall be discharged on the medical evidence which has been adduced at the bar. With respect to that evidence, I must confess that, had not this motion been brought forward, I should not have considered it sufficient to induce me to make a motion for the discharge of the sheriff. On a former occasion, I stated that the general ground on which the House ought to proceed was, that there was danger to life; and it was upon that ground that Mr. Sheriff Wheelton was discharged. With respect to the present case, the evidence is of a different kind; but I admit that it is such as to show that further confinement may seriously affect the health of the sheriff. The medical gentlemen have stated that there is, at present, no actual disease; but they have also said that confinement may produce disease of the most painful description. I feel the full difficulty, in questions of this kind, of deciding on the actual degree of illness of the individual; and I should be unwilling to pronounce an opinion upon the subject. I cannot, however, agree to the motion of the Right Honourable Gentleman opposite, that the sheriff should be released on giving bail; because, by agreeing to that motion, a new question may be raised, as to the power of the House to take bail.

[Cries of "Hear, hear!"]

It seems to me that the better course would be, if the House be disposed to allow a relaxation of the confinement of the sheriff, that he should be discharged, on the ground of illness, for a limited time, fixing a day — say three weeks hence — for his return to custody. If the House should think there is any instant danger from further confinement, I conceive that that would be a better course than the one recommended by the Right Honourable Baronet.

CAPTAIN POLHILL. — I perfectly concur in the recommendation of the Noble Lord, which is, in effect, the course I recommended, — that the sheriff should be liberated on parole. I think this preferable to placing the sheriff in the degrading situation of giving bail for his appearance.

Mr. GORING. — I trust the House will consent to liberate the sheriff. I am quite certain that he has not acted contemptuously towards the House, but that he has, as far as he possibly could do so, conformed to its wishes; and I have not the least doubt he would have yielded obedience to your authority, if you had indemnified him for so doing.

[Cries of "Divide, divide!"]

Mr. HUME. — Before the House divides, I wish to put a question to the Right Honourable Baronet the Member for Tamworth. The Right Honourable Baronet said, on a former evening, after having heard the evidence of Mr. Freeman, that it was not such as to justify the House in discharging the sheriff. I ask the Right Honourable Baronet whether the evidence of Dr. Chambers makes the case any better; for Dr. Chambers declared that there was no immediate danger from confinement? An Honourable Friend near me suggests, that two negatives make one affirmative; and, perhaps, on that ground, the sheriff may have some claim to be liberated. As the Noble Lord has deserted his post altogether, I now ask the Right Honourable Baronet whether he is prepared to follow up the course of proceeding originally taken by him with so much credit to himself, and so much advantage to the privileges which he so ably supported. The course now taken appears to me to be discreditable in the highest degree; and I hope, after what has this night taken place, that some Honourable Gentleman on the other side will move that Stockdale, Howard, and Pearce be, all of them, immediately discharged.

SIR R. PEEL. — I always make it a point to answer all the questions of the Honourable Member for Kilkenny; but I am sorry to say that I never get any proof of the Honourable Gentleman's confidence, until the Honourable Gentleman is in difficulty. In my opinion, the House will do credit to itself in doing justice, and not permitting any differences of opinion which may prevail, as to the policy of bringing in a particular Bill, to prevent them from doing what is right in any individual case. I said, the other night, and with truth, that I was not prepared to vote for the absolute discharge of the sheriff on the evidence of Mr. Freeman; and I gave my vote accordingly. But, before the Bill was brought in, I voted for the discharge of Mr. Sheriff Wheelton, because I thought it a proper case. Honourable Gentlemen will remember that I was against the absolute discharge of Mr. Sheriff Evans. When the Noble Lord (Lord Howick), who has taken the strongest position in this question of privilege, said, "I think we should incur a deep responsibility by keeping Mr. Sheriff Evans in close confinement, under the circumstances which have been deposed to," what was my course? I rose, and observed that I had arrived at the same conclusion, and that I thought quite sufficient grounds had been made out to warrant a relaxation of his custody; and I was certainly surprised when I heard the Noble Lord state that he had altered that opinion, in consequence of the evidence of Dr. Chambers. The question now before the House is altogether a question of evidence. And the following are the answers which made an impression upon my mind, as to the propriety of not keeping the sheriff in close confinement. Mr. Freeman, a highly respectable man in his profession, gave the following evidence: —

Is he growing worse or better under your care? — He is growing worse under his confinement.

There is no immediate danger of him? — I cannot say that there is; but his life would be endangered if he were to remain longer under restraint.

That is, certainly, very strong evidence from a man of the highest respectability. But the evidence goes further.

Do you think, then, if Mr. Sheriff Evans were allowed to take air and exercise, and return to the House of Commons, it would have the same effect? — I think not, for his mind is suffering greatly, and that is acting on his body.

Now, if anything fatal should occur to Mr. Sheriff Evans, — if the seeds of permanent disorder should be sown in his constitution by keeping him in close confinement, — I do not think that the House will have adopted the proper means of vindicating its privileges; or that we, as individuals, shall have taken a course that will be at all satisfactory to our own minds. I now come to the first evidence of Dr. Chambers: —

Do you consider him in that state that his life would be endangered by further confinement? — I think his health would be much deteriorated by confinement; and I conceive that his further confinement might convert those defects which have so disordered the digestive organs into absolute diseases.

Upon hearing that evidence, and having voted against the absolute discharge, I at once stated that my opinion was the same as that of the Noble Lord; and that we should be incurring great responsibility by keeping this gentleman in custody. I admit that the second examination of Dr.

Chambers rather weakened this impression than strengthened it; but it contained this additional testimony: —

> Having ascertained to your satisfaction the state of the parts affected, do you think that close confinement is highly injurious to that predisposition to disease? — I do.

That evidence remains upon record, and, I think, makes out a clear case for a relaxation of the close custody. If a question were brought before this House, interfering with the prerogative of the Crown, I would assuredly not think of interfering; but here is a person in custody by the order of the House; and the House is, therefore, clearly responsible for the consequences which may ensue from its order. I certainly think that we cannot keep Mr. Sheriff Evans in close confinement, after the evidence which has been given by Dr. Chambers and by Mr. Freeman. The Noble Lord opposite (Lord J. Russell) has suggested a difficulty with regard to taking bail. Unquestionably, this difficulty may arise,—that, in case of default, we should be obliged to apply to a court of justice. It is very true, that there may be precedents for taking this course; but I should rather avoid it. As to the proposition of letting out the sheriff on his parole, that appertains more to a military than to a civil tribunal. The Noble Lord suggests that we may release him from custody, and order him to return at some subsequent period. I am disposed to think favourably of this suggestion. I totally deny the assertion, that our present course of proceeding is a submission to the courts, and an acknowledgment that all the parties have been right who have acted in opposition to the orders of the House. There has been no such submission; and there is no admission that we have been wrong in one tittle of the course which we have pursued. But, because there is a difference of opinion on this point, it is no reason why we should not do justice in an individual case. I am still prepared to vote against the absolute discharge of the sheriff; but I am ready to vote for the proposition of the Noble Lord, and to permit the sheriff's temporary discharge.

SIR J. GRAHAM. — With the permission of the House, I will withdraw my amendment, and yield to the suggestion of the Noble Lord, seeing the difficulty that may arise from requiring the sheriff to find bail.

Amendment, by leave, withdrawn.

Original question again proposed.

SIR J. GRAHAM. — Sir, I beg to move, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words "on consideration of the evidence of Mr. Freeman and Dr. Chambers, given at the bar of this House, with respect to the state of the health of Mr. Sheriff Evans, who is now in custody, he be discharged, for the present, out of the custody of the Serjeant-at-Arms attending this House; and that he be directed to attend at the bar of this House on Monday, the 6th day of April next," instead thereof.

An HONOURABLE MEMBER. — Sir, I rise to second the amendment.

Question put, "That the words proposed to be left out stand part of the question."

Mr. HUME.—I think it would be much better to move, simply, that the sheriff be discharged. In my opinion, sickness is only brought forward as a pretence and excuse.

SIR JAMES GRAHAM. — I rise to order. I am not disposed to find fault with expressions used in the heat of debate, and least of all with those of the Honourable Member, who is not, at any time, disposed to measure the expressions which he makes use of. But, I conceive, it is grossly out of order for the Honourable Member to state, that the reason which I have assigned is merely a pretence.

Mr. HUME. — I am sure the Right Honourable Baronet proposes the motion in good faith; but I believe, and the public will believe, that the illness of the sheriff is a mere pretence for getting out of the position in which we are placed.

Mr. HAWES. — On a former evening, the Right Honourable Baronet expressed his opinion, that the medical evidence was not sufficient to discharge the sheriff; and yet the Right Honourable Baronet now brings forward the same evidence to justify the course which, at present, it is proposed to take! I think that the medical evidence is no justification at all for the discharge of the sheriff; and I do not believe that, upon such evidence, the Right Honourable Baronet, if he were a Minister of the Crown, would be prepared to exercise the prerogative of mercy. I do not impute to the Right Honourable Baronet the Member for Pembroke any insincerity; I have no doubt that he wishes to discharge his duty; but I agree with the Honourable Member for Kilkenny, that the public will think the assertion of ill health a mere pretence to get rid of the difficulty. We are now about to discharge the sheriff, — not because he has purged himself of the contempt for which he was committed, but — because he is in a station of life that commands the sympathy of the House; which sympathy does not appear to be extended to other persons in custody, of more humble rank. Other parties are just in the same position; and I will venture to say, that evidence may be procured, quite as strong as any we have heard, with reference, not to what is, but to what may be, the effect of confinement on them. The confinement in which the sheriff is kept is not close; it is as mild a species of confinement as can be inflicted on any person imprisoned for a breach of the law. I consider Stockdale and the other persons incarcerated to be quite as much entitled to their liberty as the sheriff; and, if the Right Honourable Baronet opposite do not make a motion to release them, I will do so myself.

SIR J. GRAHAM. — The Honourable Gentleman has referred to my conduct, to prove that I have been inconsistent. When I addressed the House after the evidence given by Mr. Freeman, I perhaps might consider that it was not perfectly satisfactory, on account of that gentleman having been the regular medical attendant of the sheriff. But Dr. Chambers has confirmed the testimony then given; and I am quite convinced that we ought not to detain the sheriff, after the declaration, that freedom is indispensable for the preservation of his health.

LORD VISCOUNT HOWICK. — I think the suggestion of the Noble Lord scarcely less objectionable than the proposition of the Right Honourable Baronet. I cannot see how the evidence, which is considered insufficient to justify the unconditional discharge of the sheriff, can at the same time be sufficient to induce the House to set him at liberty for the present, requiring his attendance at a future time. The medical witnesses do not speak of any particular or acute disease, but of general ill health; which is certain to recur when he shall be again placed in confinement; and the same ground for his release must then necessarily exist. Doctor Chambers says that Mr. Sheriff Evans's constitution makes his custody peculiarly unwholesome for him. Can it be supposed that, in the short space of three weeks or a month, his constitution will have undergone a complete change, and that the confinement which now endangers his health will then produce no effect whatever upon it? I certainly did think that he ought to be placed under a milder custody; but I never meant to propose anything more than that he should continue in the custody of a messenger of the House, in some place out of London. I asked Doctor Chambers whether it would make any difference if Mr. Sheriff Evans was placed in the country; and he said that it would not, unless his mind was at ease. Now, I always thought the object of putting a man into custody, was to act upon his mind; and when I am told that he is not suffering from any bodily complaint, but from the irksomeness of his mind, I am not prepared to release him on that ground. If so, we must give up the whole punishment for contempt. I think the real effect of the proposition of the Noble Lord will be the entire discharge of the sheriff; and I would suggest, for the sake of consistency, the omission of that part of the motion which relates to the illness of the sheriff. I should like to get rid of the pretence of illness.

[Cries of "Move, move!"]

I do not intend to make any motion on the subject; and so little interest do I now feel on the subject, that I shall probably give no vote at all.

Question put, and negatived.

Question proposed, to add the words "on the consideration of the evidence of Mr. Freeman and Doctor Chambers, given at the bar of this House, with respect to the state of the health of Mr. Sheriff Evans, who is now in custody, he be discharged, for the present, out of the custody of the Sergeant-at-Arms attending this House; and that he be directed to attend at the bar of this House, on Monday, the 6th day of April next," instead thereof.

MR. HUME. — Sir, I beg to propose, as an amendment to the proposed amendment, to leave out the words "on consideration of the evidence of Mr. Freeman and Doctor Chambers, given at the bar of this House, with respect to the state of the health of."

AN HONOURABLE MEMBER. — Sir, I second the amendment.

Question put, "That the words pro-sed to be left out stand part of the proposed amendment."

The House divided: — Ayes 129, Noes 7; Majority 82.

AYES.

shley, Lord
agot, Hon. W.
aillie, Colonel
aines, E.
aker, E.
aring, Rt. Hn. F. T.
aring, H. B.
lackstone, W. S.
olling, W.
ramston, T. W.
rownrigg, S.
urrell, Sir C.
lay, W.
lerk, Sir G.
live, Hon. R. H.
ochrane, Sir T. J.
opeland, Alderman
alrymple, Sir A.
arby, G.
arlington, Earl of
ouglas, Sir C. E.
owdeswell, W.
uke, Sir J.
uncombe, Hon. W.
aton, R. J.
liot, Lord
lliot, Hon. J. E.
llis, J.
eilden, W.
ielden, J.
ilmer, Sir E.
itzalan, Lord
itzroy, Hon. H.
ollett, Sir W.
orester, Hon. G.
askell, J. M.
ladstone, W. E.
ordon, R.
ordon, Hon. Captain
oring, H. D.
oulburn, Rt. Hon. H.
raham, Rt. Hn. Sir J.
rimsditch, T.
rimston, Lord Visct.
rimston, Hon. E. H.
all, Sir B.
amilton, Lord C.
ayter, W. G.
enniker, Lord
epburn, Sir T. B.
erries, Rt. Hn. J. C.
odgson, F.
odgson, R.
olmes, Hon. W. A'Court
olmes, W.
ope, G. W.
oward, Hon. E. G. G.
oward, P. H.
umphery, J.
urt, F.
utt, W.
ngestre, Lord Visct.
nglis, Sir R. H.
ones, Captain
elly, F.
night, H. G.
Lascelles, Hon. W. S.
Labouchere, Rt. Hon. H.
Liddell, Hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Macaulay, Right Hon. T. B.
Mahon, Lord Viscount
Morpeth, Lord Visct.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Lord Vt.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Pattison, J.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, D. R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Seymour, Lord
Shirley, E. J.
Sibthorp, Colonel
Spry, Sir S. T.
Stanley, Hon. E. J.
Stanley, E.
Stanley, Lord
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Thompson, Alderman
Tufnell, H.
Turner, W.
Vere, Sir C. B.
Vernon, G. H.
Vivian, J. E.
Wakley, T.
Wilshere, W.
Winnington, Sir T. E.
Wood, Sir M.
Wood, Colonel
Worsley, Lord

Tellers.

Fremantle, Sir T.
Parker, J. (Sheff.)

NOES.

Aglionby, H. A.
Aglionby, Major
Bentinck, Lord G.
Blake, W. J.
Boldero, H. G.
Bridgeman, H.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Courtenay, P.
Curry, Mr. Serjeant
D'Israeli, B.
Duncombe, T.
East, J. B.
Egerton, W. T.
Evans, W.
Hawes, B.
Heathcote, Sir W.
Heneage, G. W.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
James, W.
Jones, J.
Kemble, H.
Lushington, Rt. Hn. S.
Marshall, W.
Melgund, Lord Visct.
Neeld, John
O'Connell, M.
Round, C. G.
Rundle, J.
Scholefield, J.
Sharpe, General
Sheppard, T.
Stansfield, W. R. C.
Stuart, Lord J.
Strutt, E.
Tyrell, Sir J. T.
Vigors, N. A.
Wallace, R.
Wilde, Mr. Serjeant
Wood, G. W.
Wood, Colonel T.
Wood, B.

Tellers.

Hume, J.
Warburton, H.

Question put, "That the proposed words be added."

Mr. ELLIOTT. — I must protest against the course which the House is now pursuing. It appears to me, that when the public read an account of these proceedings, they will think us a most inconsistent body of men. We have been told by the Noble Lord, that, in the event of the failure of the Bill, we shall be in no worse position than we are at present; but I think our difficulties will be increased before that Bill can receive the sanction of the House of Lords. We are now going to release Mr. Sheriff Evans, because his health may be endangered by longer confinement; and, to-morrow, probably, some person from Newgate will inform the House that Mr. Howard is suffering from a severe running at the nose; that the mucous membrane may be dangerously affected; that an inflammation in the chest may take place; and if the chest be affected, it is impossible to say that something may not ensue; and that he will not be answerable for the life of Mr. Howard if he be longer confined. It would be just as proper to release Mr. Howard on such a statement, as to release Mr. Sheriff Evans on the testimony of Mr. Freeman. We really are placing ourselves in a most lamentable position. I certainly voted for the Bill of the Noble Lord, and I wish to state my reason for so doing.

[Cries of "Question!"]

So long as we held together in one body, and continued our coercive measures, I was certain we should succeed; but, now that the House is split into sections, I consider that our only resource is the unhappy Bill of the Noble Lord.

[Cries of " Question!"]

By agreeing to the resolution of the Right Honourable Baronet, we shall establish a precedent, which will render it impossible for us ever to commit a man without being subjected to allegations on the part of the prisoner, or his medical man, that he has a sore throat, or a cold, or a pain in his toe, or something of that kind, justifying his discharge on the ground of ill health.

Mr. T. DUNCOMBE. — Having been one of those who originally objected to the incarceration of the sheriffs, I cannot give my assent to the latter part of the motion; and I will therefore move, as an amendment to the proposed amendment, to leave out the words " and that he be directed to attend at the bar of this House on Monday, the 6th day of April next.

An HONOURABLE MEMBER. — I second the amendment.

Question proposed, " That the words proposed to be left out stand part of the proposed amendment."

Mr. KEMBLE. — I am ready to act upon the principle laid down by the Honourable Member opposite; but, fearing that I shall not succeed in obtaining the entire liberation of the sheriff, I willingly accept of a month's leave of absence.

SIR E. SUGDEN. — I am as anxious as the Honourable Member for Finsbury can be, for the entire discharge of the sheriff; but, under the present circumstances, I wish him not to press his amendment. The Noble Lord has tendered a compromise; and, having assented to that, I do not feel that we are now at liberty to vote for any further extension. On another occasion, I shall be quite ready to support such a motion.

Mr. T. DUNCOMBE. — I have not consented to any compromise. I voted against the sheriff being summoned to the bar of the House in the first instance; I have opposed his detention throughout; and I shall still continue to demand his permanent release from the custody of the House.

SIR R. INGLIS. — I shall certainly support the amendment of the Honourable Member for Finsbury. Having voted throughout against the confinement of the sheriff, I cannot consent to a conditional liberation, if I can obtain an absolute one. I trust the House will close its proceedings by the unconditional discharge of Mr. Sheriff Evans.

Mr. HORSMAN. — I cannot but regret the course which I have hitherto pursued, in voting for the imprisonment of the sheriffs; because, if the health of Mr. Sheriff Evans was likely to suffer from confinement, the objection applied equally well against his original incarceration. I feel it due to the sheriff to make this statement; and, in order to make him all the reparation in my power, I shall cordially vote for the amendment of the Honourable Member for Finsbury.

SIR R. PEEL. — I voted against the absolute discharge of the sheriff on the evidence of Mr. Freeman, and I am ready to repeat that course. But when the question arose, whether or not Dr. Chambers should be called in, I differed from the Noble Lord (Lord J. Russell), and advised the House to call him in. Dr. Chambers was then examined; and the Noble Lord, the chairman of the Committee of Privileges, in his official capacity, after having taken a strong and prominent part in favour of privilege, warned the House against retaining the sheriff in close custody, and made the proposition that the sheriff should be permitted, under the advice of his medical attendant, to select any place out of town, where he should reside, in custody of a messenger of the House. Would the Noble Lord have made that proposition, unless he had considered the life of the sheriff in danger? I do not concur in the opinion of the Noble Lord, that the second evidence so shook the first, as to have induced me to take a different course; and I do not think it would be wise to continue the sheriff in close confinement. I have endeavoured to give the House the best possible advice; and I have disregarded every private consideration to do so; and I think a wise friend would recommend the pursuit of the same course under all circumstances. Having pushed almost to the *farthest* extent the inherent privileges of the House, I am afraid of their breaking under me; and therefore, disregarding *all taunts*, I will still give that advice to the House, which I think best calculated to maintain inviolate the right of publication, which believe to be essential to the proper discharge of our functions.

Mr. PEMBERTON. — On the present occasion, I cannot vote for the unconditional discharge of the sheriff, on two grounds; first, because, if the amendment be carried, the original motion will be lost, and the sheriff will still remain in custody. In the second place, the motion for relaxing the custody is grounded on the state of the health of the sheriff; and it would be inconsistent with my view of good faith, for those who support it on that ground, to convert it into a motion of a different character. On another occasion, I shall vote with great pleasure for the discharge of all the prisoners; but, for the reasons which I have now stated, I cannot support the amendment of the Honourable Member for Finsbury.

LORD MAHON. — I trust the Honourable Member for Finsbury will withdraw his amendment.

Mr. WALLACE. — Having, throughout these proceedings, supported the privileges of the House, I am still disposed to follow the same course; and I would, if necessary, continue the imprisonment of the sheriff from month to month, and from year to year. Being determined, however, no longer to continue the farce which has been enacted on both sides of the House, I shall certainly vote for the amendment of the Honourable Member for Finsbury.

Mr. WARBURTON. — If the sheriff is to be liberated till the 6th of April, it will be, in effect, granting him a complete liberation. On the day appointed for his re-appearance, he will, no doubt, come down to the House at the head of a triumphal procession, accompanied by the Lord Mayor and corporation, and present himself at the bar, and then we shall discharge him, unconditionally. If it be intended to discharge him, it would be better to do so at once. Whether the date be left out or retained, I am resolved to vote against the main question.

LORD G. BENTINCK. — Of the different propositions before the House, I think that of the Honourable Member for Finsbury most deserving of adoption. By pursuing the other course, we shall be detaining the sheriff as a sort of hostage, for the passing of the Bill through the House of Lords. After the passing of that Bill, no one will pretend that the sheriff ought to be detained; and I think that he ought, now, to be unconditionally discharged.

LORD J. RUSSELL. — The question before the House is not exactly that which the Noble Lord imagines. It is, whether the words which relate to the appearance of the sheriff shall form part of the question to be put to the House. If these words be retained, I shall vote for the motion of the Right Honourable Baronet; but if they be left out, the motion will be for the unconditional discharge of the sheriff; to which I shall give my decided opposition.

SIR R. PEEL. — If the question for the unconditional discharge of the sheriff be proposed, I shall certainly vote against it, trusting that, on some early evening, such an arrangement for the relaxation of the custody will be made as the case may require.

Mr. T. DUNCOMBE. — In submitting my amendment, I conceived that the motion for the discharge of the sheriff had been virtually carried. As I cannot at present obtain the complete discharge of the sheriff, I must consent to take the relaxation now proposed, and beg to withdraw my amendment.

Amendment to proposed amendment, by leave, withdrawn; Question, "That the proposed words be added," put, and agreed to. Main question, as amended, put. The House divided: — Ayes 118, Noes 31; Majority 87.

Ordered, That, on consideration of the evidence of Mr. Freeman and Dr. Chambers, given at the bar of this House, with respect to the state of the health of Mr. Sheriff Evans, who is now in custody, he be discharged, for the present, out of the custody of the Sergeant-at-Arms attending this House; and that he be directed to attend at the bar of this House on Monday, the 6th day of April next.

AYES.

Bagot, Hon. W.
Baines, E.
Baring, Rt. Hn. F. T.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Clay, W.
Clerk, Sir G.
Clive, Hon. R. H.
Cochrane, Sir T. J.
Copeland, Alderman
Darby, G.
Darlington, Earl of
D'Israeli, B.
Douglas, Sir C. F.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
Duncombe, Hon. W.
East, J. B.
Eaton, R. J.
Egerton, W. T.

Ellis, J.
Feilden, W.
Fielden, J.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Hon. H.
Forester, Hon. G.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hall, Sir B.
Hamilton, Lord C.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, Rt. Hn. J. C.
Hodgson, F.
Hodgson, R.
Holmes, Hon. W. A'Court
Hope, G. W.
Howard, Hon. E. G. G.
Howard, P. H.
Humphery, J.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Knight, H. G.
Lobouchere, Rt. Hon. H.
Lascelles, Hon. W. S.
Liddell, Hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Macaulay, Right Hon. T. B.
Mahon, Lord Visct.
Morpeth, Lord Visct.
Neeld, John
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmerston, Lord Vt.
Pattison, J.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, Rt. Hon. Sir W.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Lord Viscount
Scarlett, Hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Stanley, Lord
Sugden, Rt. Hn. Sir E.
Teignmouth, Lord
Thompson, Alderman
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Wakley, T.
Wilshere, W.
Winnington, Sir T. E.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Worsley, Lord

Tellers.

Fremantle, Sir T.
Parker, J. (Sheff.)

NOES.

Aglionby, H. A.
Aglionby, Major
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Busfeild, W.
Courtenay, P.
Curry, Mr. Serjeant
Elliot, Hon. J. E.
Evans, W.
Hawes, B.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
James, W.
Lushington, Rt. Hn. S.
Marshall, W.
Melgund, Lord Vict.
Pigot, D. R.
Rundle, J.
Rutherfurd, Rt. Hn. A.
Scholefield, J.
Sharpe, General
Stansfield, W. R. C.
Stuart, Lord J.
Strutt, E.
Vigors, N. A.
Wallace, R.
Wilde, Mr. Serjeant
Wood, G. W.
Wood, B.

Tellers.

Hume, J.
Warburton, H.

PRISONS BILL.

Second reading deferred till Monday next.

STAGE CARRIAGES (IRELAND) BILL.

Second reading deferred till Friday, 19th March.]

FLOUR IMPORTATION (IRELAND) BILL.

Committee deferred till Friday, 19th of March.

SUPPLY.

Committee deferred till Monday next. Army Estimates referred to the Committee.

WAYS AND MEANS.

Committee deferred till Monday next.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Second reading deferred from Monday next till Monday, 16th March.

COLONIAL PASSENGERS BILL.

Committee deferred from Monday next, till Monday, 16th March.

INLAND WAREHOUSING.

On the motion of Mr. Goulburn, Committee nominated: — Mr. Goulburn, Mr. George William Wood, Mr. Mark Philips, Lord Viscount Sandon, Lord Granville Somerset, Lord Worsley, Sir Walter James, Mr. Lascelles, Mr. Dennistoun, Mr. Dunbar, Mr. Baines, Mr. Milnes, Mr. Labouchere, Mr. John Parker, and Mr. Wilson Patten. — Power to send for persons, papers, and records; five to be the quorum.

RETURNS, &c.

Court of Session. — On the motion of Mr. Wallace, Return ordered —

To amend the Return ordered on the 6th day of February last, of the number of causes instituted in the outer house of the Court of Session, between the 1st day of November, 1839, and the 12th day of March, 1840, by extending the above time to the 21st day of this instant March; and that the Return, when so extended, be made forthwith.

Army. — On the motion of Mr. Hume, account ordered —

Of the several amounts paid, in each of the years 1838 and 1839, for half pay and retired allowances, civil and military; distinguishing the amount under separate heads and departments (in continuation of Parliamentary Paper No. 732. of 1838):

Return of the number of soldiers who have established their claims to marks of distinction, with good conduct pay, under his late Majesty's warrant, dated the 26th day of May, 1837; and of the number of soldiers who have established their claims to marks of distinction only, under the same warrant, without relinquishing their claims to additional pay for length of service, since the 17th day of May, 1838 (in continuation of Parliamentary Paper No. 425. of 1838):

Return of the number of soldiers belonging to regiments and depôts in Great Britain and Ireland, who, since the 1st day of January, 1838, have suffered corporal punishment or imprisonment; and, whenever either corporal punishment or imprisonment has been inflicted on the same person more than once, specifying how often it has been inflicted (in continuation of Parliamentary Paper No. 425. of 1838):

Abstract of the number of men belonging to the Royal Marines, who, since the 3d day of July, 1838, have suffered imprisonment; showing the nature of the offences, in classes, for which such punishment has been awarded, and the number in each class; also the longest and the shortest period of confinement awarded as punishment, and the average period for each class of offences:

Abstract of the number of soldiers belonging to the Royal Artillery in Great Britain and Ireland, who, since the 3d day of July, 1838, have suffered imprisonment; showing the nature of the offences, in classes, for which such punishment has been awarded, and the number in each class; also, the longest and shortest period of confinement awarded as punishment, and the average periods for each class of offences in each year:

Similar Return as regards soldiers belonging to regiments, and depôts of regiments, in Great Britain and Ireland, for the same period (in continuation of Parliamentary Paper No. 584. of 1837-8):

Return of the number of appointments to first commissions, in the ranks of cornet, ensign, adjutant, and quartermaster, on death or other vacancies, without purchase, in each year since the 1st day of April, 1838; showing the number of gentlemen introduced into the army without purchase, and distinguishing the number of gentlemen cadets from the Royal Military College, the number restored from half pay to full pay, on such clear vacancies, and the number of non-commissioned officers promoted to such commissions (in continuation of Parliamentary Paper No. 424. 1838):

Return, showing the establishments and effectives of the British army, rank and file, at home and abroad, on the 1st day of January, 1839, and on the 1st day of January, 1840:

Return, showing the establishment of the British army, as fixed by the King's memorandum for service at home and on foreign stations, for each of the years 1838 and 1839; and, also, the effectives on each of those stations, by the latest Returns received, on the 25th day of January, in each of the years 1838 and 1839, and on the 1st day of January, 1840:

Return, showing the average force, in rank and file, establishment and effectives, at the several foreign stations, on the 1st day of January, 1838 and 1839:

Return, showing, in one table, the numbers of the descriptions of armed force in the United Kingdom on the 1st day of January, 1840, the regular army of all ranks (in continuation of Parliamentary Paper No. 424. of 1838).

Prisons. — Papers (presented 5th of March). — To be printed.

Adjourned, at half after one o'clock, till Monday next.

HOUSE OF LORDS, LUNÆ, 9° DIE MARTII, 1840.

APPEALS.

Countess of Dalhousie *v.* M'Dowall. — Further heard, and adjourned till to-morrow.

Bremner *v.* Kerr. — Set down for hearing.

EARL OF DYSART'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

The Countess of Dysart sworn at the table, by the Lord Chancellor, to give evidence before the Committee for Privileges.

BRIGHTON SMALL DEBTS BILL.

Read a second time, and committed for to-morrow.

ROTHERHITHE BURIAL GROUNDS BILL.

Read a second time, and committed for Thursday next.

CHESTER AND BIRKENHEAD RAILWAY BILL.—SHEFFIELD AND ROTHERHAM RAILWAY BILL.

Read a second time, and committed for Friday next.

GREGORIO JOSÉ MARTINEZ DEL RIO.

Bill for naturalising, was (on petition) presented, and read a first time.

PERRY'S DIVORCE (INDIA) BILL.

The House in committee (according to order); an amendment made: the Report thereof to be received to-morrow.

EDINBURGH AND LEITH GAS BILL.

Brought from the Commons, and read a first time.

WINCHESTER CEMETERY BILL.

Reported, without amendment.

CHURCH EXTENSION.

The BISHOP of ST. ASAPH presented petitions in favour of, — of the rector, churchwardens, and others of All Saints, Freshwater, in the Isle of Wight; and of inhabitants of Llangottock, Crickhowel; Crickhowel; Llanelly; and Oswestry. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (COLONIES).

The BISHOP of SALISBURY presented a petition for protection of, — of inhabitants of Oswestry. — Read, and ordered to lie on the table.

WAREHOUSES.

The MARQUESS of NORMANBY presented a petition of the mayor, aldermen, and burgesses of the borough of Clitheroe, in the county of Lancaster, in common council assembled, for establishing bonded warehouses at Manchester and Salford. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The EARL of ROSEBERY, the DUKE of RICHMOND, the EARL of ABERDEEN, and the MARQUESS of BUTE presented petitions in favour of the principle of non-intrusion, — of members of the congregation and inhabitants of St. John's, Glasgow; and of inhabitants of Dalgety; Alvie; Inverbrothock; Kilrenny; Abdie; Linlithgow; Buckie; Montrose; Shieldaig; Loch, Island of Lewis; Culsamond; Liff; Applecross; North Leith; and Watternish. — Read, and ordered to lie on the table.

The **Earl of Aberdeen** presented petitions complaining of an interdict issued by the Court of Session, prohibiting certain clergymen from preaching, and praying protection for said clergymen, and for an adjustment of the question in dispute, — of inhabitants of Mortlach; Keith; and Forgue. — Read, and ordered to lie on the table.

The **Duke of Richmond** presented a petition of heritors, commissioners of supply, justices of peace, and tenants, in the county of Elgin, for the adoption of measures to allay the differences and contentions respecting the law of patronage. — Read, and ordered to lie on the table.

UNION WORKHOUSES.

The **Duke of Richmond** presented a petition praying that they may be exempted from the payment of parochial and parliamentary taxes, — of guardians of the poor of the Eastbourne union. — Read, and ordered to lie on the table.

Petition for alteration of the law respecting the rating of, — of guardians, churchwardens, overseers, owners of property, and ratepayers in the Fareham union. — Read, and ordered to lie on the table.

CHURCH RATES.

Petition for the release of John Thorogood, a prisoner in Chelmsford gaol, and for the abolition of church rates and of the criminal jurisdiction of the ecclesiastical courts, — of inhabitants of Wellington. — Read, and ordered to lie on the table.

CORN LAWS.

The **Marquess of Normanby** and the **Duke of Richmond** presented petitions against repeal of, — of inhabitants of Bicton; and Colaton Rawleigh. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The **Earl of Galloway** presented a petition against any further grant of money for the support of, — of inhabitants of Colaton Rawleigh. — Read, and ordered to lie on the table.

CROWN LANDS IN CANADA.

The DUKE of ARGYLL. — May I ask the Noble Viscount opposite whether there has been received from the House of Assembly of Upper Canada any Address on the subject of the Crown and Clergy reserves in that province?

VISCOUNT MELBOURNE. — There has been no such Address received.

UNION WORKHOUSES.

The DUKE of RICHMOND. — My Lords, in answer to a question which, on a former evening, I put to the Noble Marquess opposite, I was informed that a Bill would shortly be introduced to remedy the evil which the petitioners, whose petitions on this subject I have presented, complain of; and I now wish to know whether such a measure is in a state of forwardness?

The MARQUESS of NORMANBY. — I believe that a Bill for the exemption of union workhouses from the payment of rates and taxes was brought into the House of Commons on Friday evening.

CRIME IN IRELAND.

The MARQUESS of WESTMEATH. — I wish to know, from the Noble Marquess, whether the report is well founded, that a man named Lynam, who was recently convicted at the Dublin sessions of wilful murder, has been reprieved? Four individuals had previously been found guilty of the same murder, and suffered death; and it appears that the criminal who is said to have been reprieved was the most active party in the perpetration of the offence.

The MARQUESS of NORMANBY. — I have received no communication from my Noble Friend the Lord Lieutenant of Ireland on the subject.

The MARQUESS of WESTMEATH. — Perhaps the Noble Marquess will make inquiry into the matter.

The MARQUESS of NORMANBY. — Certainly.

CHURCH BUILDING ACTS AMENDMENT BILL.

On the motion of the Bishop of London, House in committee (according to order); several amendments made; and Bill to be printed, as amended.

NEWPORT CONVICTS.

The MARQUESS of NORMANBY. — My Lords, I wish to call your Lordships' attention to a subject which, in my opinion, is of some importance. On Friday last, a Noble Baron (Lord Teynham) presented a petition to the House, to certain statements connected with which I now, with your Lordships' permission, must, in performance of my public duty, allude. The Noble Lord, on that occasion, stated, that the petition was signed by 1500 out of the 6000 inhabitants constituting the population of Newport; and that it prayed for a free pardon for Frost, Williams, and Jones. The Noble Lord further stated, that the parties by whom the petition was so signed were amongst the most respectable inhabitants of Newport; and that the first four signatures were those of four of the wealthiest persons in that town. I have received a communication on the subject, this morning, from the same part of the country; and, as the Noble Lord attached considerable importance to the petition (so much so, that he has declared his intention of calling on the House, at an early day, to comply with the prayer of that petition), I feel it incumbent on me to state to your Lordships the nature of the communication which I have received, for the purpose of showing the Noble Lord that he has been completely misinformed on several points. In the first place, the population of Newport is now 12,000 instead of 6000. The Noble Lord said that the petition was signed by 1500 persons; and, from the manner in which the statement was made, it might be inferred that those 1500 persons were adult males. That, however, is not the case; for I have good reason to believe that the majority of signatures are those of women and children. There are a considerable number of signatures of the same name, and obviously written by one party. With respect to the four persons whom the Noble Lord has described as amongst the wealthiest and most respectable inhabitants of Newport, the first is Thomas Thorpe, an uncle of the chief person convicted, and who was himself under confinement for a time, on suspicion of being connected with the lamentable occurrence. The next name is that of William Townshend, the father of a person who has been convicted of the same crime as Vincent. The third is a small tradesman in the town; and the last, who had been only two years in Newport at the time of signing, is now about leaving the place. The majority of the inhabitants of the town were not aware of such a petition being in existence. A former petition was signed by persons who did not feel the least doubt as to the crime of the parties, or the propriety of their conviction; but who entertained, as many of your Lordships may do, a conscientious objection to the fliction of the extreme penalty of death. but the second petition, which calls on your Lordships to interfere with the prerogative of mercy as exercised by the Crown, was signed in the manner I state, and by the parties to whom I have referred.

The DUKE of BEAUFORT. — My Lords, I can, to the fullest extent, testify to the accuracy of the statement made by the Noble Marquess.

LORD TEYNHAM. — My Lords, I beg to state that the petition to which the Noble Marquess has referred was presented to me by persons whom I had every reason to consider were respectable. I was informed by them that the number of inhabitants in the borough of Newport was not more than 6000. Under these circumstances, I thought the petition one well worthy your Lordships' attention.

HORSE-RACING ACT IN PART REPEAL BILL.

Order of the Day for the third reading, and the Lords summoned, read; Bill read a third time accordingly; amendments made; Bill passed, and sent to the Commons.

PAPERS, &c.

Account of the quantity and value of all articles of the growth or manufacture of the territories under the government of the East India Company, imported into the United Kingdom, in each year from 1828 to 1839, both inclusive; together with an account of the rate of duty levied upon the import of each article in each year. — Delivered (pursuant to order of the 20th of February last); to be printed, and referred to the Select Committee on the petition of the East India Company for relief.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Chester and Crewe and Grand Junction Railways Consolidation Bill. — Leave to Committee to sit this day till five of the clock, during the sitting of the House.

Birmingham and Wyrley Canals Union Bill. — Petitions in favour, — from Walsall; Wolverhampton; and coal masters, lime masters, and others, in the neighbourhood of the Wyrley and Essington Canal Navigations. — To lie on the table.

Andover Roads Bill. — Petition from Andover, in favour. — To lie on the table.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Petition of the London and Birmingham Railway Company, against. — Referred to the Committee on the Bill; counsel ordered.

Old Brompton (Victoria) Kensington Roads. — Petition of John Tucker, for leave to proceed with the Bill, and for enlarging the time to present the same. — To lie on the table, and to be printed.

West Stirlingshire Roads. — Petition of Archibald Grahame, for leave to proceed with the Bill (presented 6th of March), considered. — Leave given to the parties to proceed with their Bill.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Petition of Charles Lamb and others, against; referred to the Committee on the Bill; counsel ordered. Instruction to the Committee, to receive and entertain the petition of Charles Lamb and others, this day referred to them; the said petition being in lieu of a petition of the said Charles Lamb, presented on Friday last, in which the word "canal" was inserted instead of the word "railway," by mistake.

Petition of Charles Lamb and others (presented 6th of March), withdrawn.

Portishead Pier. — Petition of William Henry Buckerfield, for enlarging the time to present the Bill; referred to the Select Committee on Petitions for Private Bills.

Hull Improvement. — Petition for Bill reported; and Bill ordered to be brought in by Mr. HUTT and SIR WALTER JAMES.

Kollmann's Patents. — Report from Select Committee on Petitions for Private Bills (6th of March), read; Bill ordered to be brought in by Mr. HOLMES and CAPTAIN BOLDERO.

Andover Road Bill. — Committee revived; leave to sit and proceed on Wednesday.

London and Greenwich Railway Station. — Report from Select Committee on Standing Orders (6th of March) read: Bill ordered to be brought in by Mr. WOLVERLEY ATTWOOD and Mr. BARNARD.

Edinburgh and Glasgow Railway. — Report from Select Committee on Petitions for Private Bills (11th of February) read; Bill ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. MACAULAY.

Eastern Counties Railway. — Order for Bill (25th of February) read, and discharged; another Bill ordered to be brought in by SIR CHARLES VERE and Mr. WODEHOUSE.

The following Bills were presented, severally read a first time, and to be read a second time; namely, —

Liverpool Borough Fund Bill, — "To enable the Council of the Borough of Liverpool to raise Money upon Bonds."

Liverpool Docks Bill, — "For enabling the Trustees of the Liverpool Docks to erect Warehouses on the West Quay of the Prince's Dock, to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of Liverpool, and for other Purposes."

Shrewsbury Cemetery Bill, — "For establishing a general Cemetery in the Parish of Holy Cross and Saint Giles, n or near the Town of Shrewsbury, in he County of Salop."

Great Level of the Wash Inclosure Bill, — "For inclosing and reclaiming rom the Sea certain Tracts of Land orming the Great Estuary called the Wash, between the Counties of Norfolk nd Lincoln."

Penzance Pier and Harbour Bill, — 'To amend an Act of the fifty-seventh ear of King George the Third, intituled, An Act for fixing the Dues, Duties, and Payments for all Goods, Wares, and Merchandise landed on or shipped from he Pier or Quay of the Town of Pen- ance, in the County of Cornwall, and on ll Ships and Vessels resorting to the aid Pier or Quay, or to the Harbour of Penzance,' and for making and maintain- ng an additional Pier and Dock within he said Harbour."

Eastern Counties Railway Bill, — "To lter and amend the Powers and Pro- isions of the Acts relating to the Eastern Counties Railway."

Tower Ward Improvement Bill, — "For naking a new Street from Great Tower Street, in the Parish of Saint Dunstan in he East, in the City of London, to Little Tower Hill, in the Precinct of the Tower without the Tower of London, and for widening and improving the Communica- ions therewith."

Gravesend Improvement Bill, — "To mend, alter, and enlarge the Powers and Provisions of an Act of His late Majesty, or paving, cleansing, lighting, watching, nd improving the Town and Parishes of Gravesend and Milton, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein; and o make further Improvements in the said Town and Parishes."

Newcastle upon Tyne Waterworks Bill, — "For better supplying with Water the Town and County of the Town of Newcastle upon Tyne and the Borough of Gateshead, and the Places adjacent thereto, n the Counties of Northumberland and Durham."

Newcastle upon Tyne and North Shields Railway Bill, — "To amend the Act relating to the Newcastle upon Tyne and North Shields Railway, and to raise a further Sum of Money for the Purposes of the said undertaking."

Dartford Navigation Bill, — "For improving the Dartford and Crayford Creeks, in the County of Kent, and for making a Diversion in the Line of the said Dartford Creek, and other Works connected therewith."

Sandon Inclosure Bill, — "For inclosing Lands in the Parish of Sandon, in the County of Hertford."

Bedford, Woburn, and Leighton Bussard Road Bill, — "For repairing, improving, and maintaining the Road from Bedford to Ampthill, Woburn, and Leighton Bussard, with a Branch therefrom, all in the County of Bedford."

Launceston Market and Improvement Bill, — "For regulating the Markets, and for erecting a Market House in the Town of Launceston, in the County of Cornwall; and for paving, lighting, watching, cleansing, and improving the Streets, Ways, and other public Passages and Places; and for regulating the Police in the Parish of St. Mary Magdalene, and the Hamlet of St. Thomas Street, in the Borough of Launceston, in the said County."

Newcastle under Lyme, Blyth Marsh, &c. Roads Bill, — "For improving the Roads leading from Newcastle under Lyme to Blyth Marsh, from Cliff Bank to Shelton, from Fenton to Hem-Heath, and from Shelton to Newcastle under Lyme; and for making and completing certain new Pieces of Road to communicate therewith; all in the County of Stafford."

Lough Foyle and Lough Swilly Drainage Bill, — "For incorporating the Undertakers for executing an Act passed in the Second Year of the Reign of Her present Majesty, for draining and embanking certain Lands in Lough Foyle and Lough Swilly, in the Counties of Donegal and Londonderry; and for amending the Provisions of such Act."

Tunstall Market Bill, — "For regulating and maintaining the Markets and and Market Place in the Township of Tunstall, in the Parish of Wolstanton, in the County of Stafford."

Great Milton Inclosure Bill, — "For inclosing Lands in the Township of Great Milton, in the County of Oxford."

York Improvement Bill, — "To enable the Mayor, Aldermen, and Citizens of the City of York to widen, alter, and improve certain Streets or Thoroughfares called Spurriergate and Coney Street, in the said City."

Banbury and Lutterworth Roads Bill,

— "For repairing and maintaining a Road from Banbury, in the County of Oxford, to Lutterworth, in the County of Leicester, and other Roads communicating therewith."

Edinburgh Poor and Local Taxes Bill, — "For the better Management of the Charity Workhouse of the City of Edinburgh; and for regulating the Funds for the Relief of the Poor, and other Local Taxes within the said City."

Quainton Inclosure Bill, — "For inclosing Land in the Parish of Quainton, in the County of Buckingham."

Dundalk Harbour Bill, — "For regulating, preserving, improving, and maintaining the River, Port, and Harbour of Dundalk, in the County of Louth, in Ireland."

Maidstone and Biddenden Road Bill, — "For repairing the Road from the Maidstone Turnpike Gate on the Loose Road, in the Parish of Maidstone, in the County of Kent, to Newcastle, in the Parish of Biddenden, and a Branch Road to the Thorn, in the Parish of Smarden, in the same County."

Clerkenwell Improvement Bill, — "For opening a Street to Clerkenwell Green, in the County of Middlesex, in continuation of the New Street from Farringdon Street, in the City of London."

Cheshire Coroners Bill, — "To authorise the Appointment of additional Coroners for the County Palatine of Chester."

Port Talbot Harbour Bill, — "To enable the Port Talbot Company to raise further Moneys, and to amend the Acts relating to the same Port."

Poddle River (Dublin). — Act of the Parliament of Ireland (36 Geo. III. c. 44.) read; Bill to amend, ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

Hull Improvement. — Petition for Bill reported; and Bill ordered to be brought in by Mr. HUTT and SIR WALTER JAMES.

Thames Plate Glass Company Bill. — Committee revived; leave to sit and proceed on Wednesday next.

The following Bills were severally read a second time, and committed; that is to say, —

Greenhill and Eckington Road Bill, — To Mr. WILLIAM EVANS and the North Derby list.

Birmingham and Warwick Junction (Bordesley) Canal Bill, — To SIR CHARLES DOUGLAS and the Warwick list.

Newton Abbot, &c. Small Debts Bill, — To SIR JOHN YARDE BULLER and the South Devon list.

Weston super Mare Road Bill. — Reported; Report to lie on the table.

Garboldisham (Norfolk) Inclosure Bill; *Tweeddale Patent Drain Tile and Brick Company Bill*; *Marine Insurance Company Bill*. — Reported; and ordered to be ingrossed.

Edinburgh Gas Bill. — Read a third time; clause added; Bill passed.

STANDING ORDERS COMMITTEE. — LONDON STEAM DOCKS.

Resolution of, reported: —

That, in the case of the London Steam Dock petition, the Standing Orders ought not to be dispensed with.

Report to lie on the table.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

JAMES MORRISON, Esquire, for Inverness Burghs.

MISCELLANEOUS PETITIONS

The following petitions were severally presented, and ordered to lie on the table: namely, —

Corn Laws, — By LORD MARCUS HILL, SIR J. Y. BULLER, and other Honourable Members, against repeal, — from St. Columb Major; Great and Little Steeping; Winthorpe and Skegness; Claxby and Willoughby; Burgh; East and Mid-Ville; Thorpe and Croft; Partney and Dalby; Scremby and Skendleby; Spilsby and Hundleby; East Kirkby and Hagnaby; grand jury of Leitrim; Avoch; Bicton; Colaton Rawleigh.

By Mr. VILLIERS, Mr. J. STEWART, Mr. BROTHERTON, SIR G. STRICKLAND, LORD ELIOT, Mr. BAINES, Mr. B. BARING, Mr. G. CRAIG, Mr. M. PHILIPS, Mr.

Hume, and other Honourable Members, for repeal, — from Barnoldswick; Ollenworth; Barkisland; Mixenden; Stainland; Wheatley; Southowram; Skircoat; Fixby; Rishworth; King's Lynn; Spring Water; Cupar (chairman of a meeting); Auchtermuchty; Pittenweem; Honiton; Arbroath; Dunning; Hermiston; Wheelton; Southmolton, Low Moor, Clitheroe; Colinton; Bradford (York); Dunster; Openshaw; Unsworth Pole; Bradshaw; Bradford (Lancaster); Prestwich; Union Mill, Soothill; Westham; and Clitheroe

Church Patronage (Scotland), — By Mr. Edward Ellice, junior, Sir G. Sinclair, Mr. G. Craig, Mr. Blair, and Admiral Adam, for alteration of the law, and in favour of non-intrusion, — from Leswalt; Dunbarny; St. Andrew's; Muckart; Cleish; Dalgety; Benbecula, &c.; South Uist; Trinity Gask; Culsamond; Errol; Pittenweem; Moonzie; Linlithgow; Walternish; Arngask; Stow; Inverness presbytery (moderator); Kincardine; Lochs; Tobermory; Alvie; Applecross; Lochcarron; Stranraer; Shieldaig; Anstruther Easter; North Ronaldshay; Anderston, Glasgow; Barvas; Clonmel; and Portpatrick.

Church Rates, — By Mr. Villiers, Mr. W. A. Williams, Mr. Baines, and Mr. Hume, for abolition, the release of J. Thorogood, and for a revision of the law relating to ecclesiastical courts, — from King's Lynn; Oswestry; Abergavenny; Dudley; Coventry; and Northallerton.

China, — By Lord M. Hill, for the suppression of the opium trade, — from Cockerton; and Evesham.

Church of England, — By Sir J. Williams, Sir J. Y. Buller, Mr. R. Palmer, Mr. B. Baring, and Sir E. Sugden, in support of church extension, with the view to increased accommodation for the public, — from Bicton; Offwell; Blackauton, Wolborough; Ottery; Ellenhall; St. Michael's, Coventry; Tilehurst; Coddenham and Crowfield; Sudbourn; Winkesley; Goitre; Llanvager; Llanllowell; and South Stainley.

Elective Franchise, &c. (Ireland), — By Lord M. Hill and other Honourable Members, for extension of the franchise, and for municipal reform, — from Doneraile; Kilbolane, &c.; Tracton; Nohoval; Whitechurch and Garrocloyne; and Kiltubride.

Maynooth College, — By Lord Eliot, Sir J. Y. Buller, Mr. T. Hope, and Mr. Liddell, against further grant, — from Wetherby; Norton Fitzwarren; Dilhorne; Fowey; Colaton Rawleigh; Sidmouth; and Lamestry.

Sale of Beer Act, — By Sir J. Williams, — from Pont-y-Pool, for repeal.

Of Thomas Meredith, for placing beer retailers and licensed victuallers upon the same footing.

Union Workhouses Bill, — By Mr. Alston, in favour, — from Bishop's Stortford union; and Fareham union.

Universal Suffrage, Ballot, &c., — By Mr. Hume, in favour, — from Port Eglinton factory, Glasgow; secretary to the Cumnock Working Men's Association; John Kay; George Paterson; Henry Barrett; Gilbert M'Callum; James Roy; and Michael Gordon.

Tithes Commutation Act, — By Sir W. Follett, — of Jonas Denis, D.C.L., and others, of St. David's, Exeter, for repeal of the compulsory clauses.

Lord's Day, — From St. Olave, Southwark, for the better observance thereof.

Poor Law Amendment Act, — By Mr. Langdale, — from the guardians of the Howden union, for alteration.

Printed Papers, — By Mr. T. B. Lennard, — from the corporation of Tewkesbury, in support of the privileges of the House.

The above petitions were severally ordered to lie on the table.

Designs Copyright Bill, — From Manchester, in favour. — Referred to the Committee on the Bill.

Railways, — By Lord G. Somerset, for free competition, — from Shrewsbury; and Birmingham.—Referred to the Select Committee on Railway Communication.

RATING OF HOSPITALS.

CAPTAIN PECHELL. — I beg to give notice that, on an early day, I shall move that hospitals be exempted from the payment of rates and taxes.

LEAVE OF ABSENCE,

To Mr. John Jervis, a month,—circuit.

RETURN.

Coffee. — On the motion of Mr. CRAWFORD, Account ordered —

In continuation of the Return dated 24th August last, of all coffee imported into the United Kingdom from the Cape of Good Hope; specifying the total quantity which has been entered for home consumption, as well from the importations specified in the Return of the 24th day of August, as from the subsequent arrivals.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD VISCOUNT MORPETH. — I rise to move that the Order of the Day for the third reading of the Municipal Corporations (Ireland) Bill be now read.

Upon the question being put, —

Mr. W. MILES and another Honourable Member presented petitions against the Bill,—from Fowey; Wetherby; Norton Fitzwarren; Wootton Wawen, &c.; Dymchurch; and Hartland. — Ordered to lie on the table.

The Order of the Day was then read.

Upon the question, "That the Bill be read the third time," —

Mr. HUME said: — I wish to ask the Noble Lord whether it is intended, by that clause of the Bill which appoints a pilot for the port of Galway, to give power to the Lord Lieutenant, if at any future time an alteration of the present arrangement should be found necessary, to remove that officer, and to appoint another in his place?

LORD VISCOUNT MORPETH. — The clause provides for future regulation; but it may, perhaps, be necessary to introduce words to make it more stringent.

SIR G. SINCLAIR. — Having rarely taken part, during the last two Sessions, in any of the various debates respecting Ireland, I intend, on this occasion, to make some remarks upon the affairs and interests of that country, — a country which, during so many centuries, has been groaning under the accumulated evils of misgovernment; or, in other words, has unhappily been cleaving to the ignominious thraldom of Papal domination; and which can never be permanently peaceful or prosperous without a repeal of the union — not between Great Britain and Ireland, but — between Ireland and the see of Rome. I approach this task with unaffected reluctance, because I am afraid that some of the statements which I shall submit, and some of the principles which I shall avow, may not be assented to by many valued Friends around me, with whom I at all times deem it an honour to act, and account it a happiness to agree; but I cannot, in the discharge of a public duty, allow myself to be so swayed by personal sentiments of deference and regard as to disguise the feelings of my heart, and belie the convictions of my understanding. I am impelled to address the House on this subject by a deep and increasing persuasion — a persuasion not a little fortified by the menacing tone assumed, and the ominous prophecies uttered, in quarters of high authority — that the Protestant institutions of Ireland, with which those of the empire stand indissolubly linked, are in fearful and imminent jeopardy. I believe that the very force intended to maintain tranquillity is so organised as to increase the danger. On the part of the Roman Catholics we behold combination, energy, and success; whilst we too often find, in the ranks of the Protestants, dissension, supineness, and discomfiture. Each victory achieved by the former is an encouraging precursor of some new aggression; whilst every defeat sustained by the latter is the humiliating prelude to some fresh surrender. The potent screw of the "six millions" argument is as effectually wielded by the Roman Catholics as was that of the "six Members" argument by an imperious boroughmonger, for the purpose of extorting an unreasonable boon from the hard-pressed Prime Minister of a former era, whom he knew that he had at his mercy; so that the Roman Catholics are almost justified, by the result of every past experiment, in openly declaring to the Imperial Legislature, "Because we are six millions, we must obtain whatever we ask, demolish whatever we dislike, and accomplish whatever we desire." It must, I think, be admitted, that the Irish Tithe Bill, clogged as it is with so enormous a deduction from the incomes of the clergy, was wrung from their fears, and not conceded by their good-will. That deduction was rendered necessary by the culpable pusillanimity of successive Governments, who ought to have enforced (as they would have done in the case of taxes, rents, or debts) the might and majesty of the law. But, though reluctantly assented to by the clergy, and on that ground, alone, not opposed by myself, it was, in principle, an act of sacrilegious injustice. The Government have been generous with other people's money; and I am convinced that, through sacrifices which cost them nothing, they have only purchased a hollow and precarious truce, by which the Protestants of Ireland have been discouraged in the defence of their not yet extinguished rights, and not yet confiscated property, while the Papists are stimulated to renew every menace, and persevere in every machination. No permanent advantage was ever secured by worshipping the goddess Expediency; and a system of concession and compromise is seldom successful in the long run. In compliance with the wish, and in conformity with the example, of my Right Honourable Friend, I have abstained, on several occasions, from calling for a division when this Bill was formerly before the House. My unfeigned respect for his superior judgment prompted me to wish that he should have the fullest latitude for trying his conciliatory experiment, — of which, however, I not only doubt the success, but cannot altogether admit the wisdom. My own hostility to this measure remains unmitigated and unchanged. Though the salutary amendments introduced by the House of Lords would have eliminated much that is noxious, and much that is objectionable, from the provisions of this Bill; yet the reasonings so powerfully urged against its principle, by my Protestant Irish Friends, have made so strong and indelible an impression upon my mind, as to convince me that, by passing such an Act in any form, we shall furnish — not peace, but a sword; and thus not confer a boon, but inflict a calamity, upon Ireland. This Bill, even when modified, cannot fail to be received with jealousy and apprehension by a large proportion of the Protestant clergy and laity, the best and surest friends of British connection; and, at the same time, be viewed with perfect indifference by nineteen twentieths of the Roman Catholic millions, for whose satisfaction it is said to be intended. I shall never cease to think that Parliament would have exercised a more sound discretion by abolishing these corporations altogether; they would thus have placed all parties on a footing of perfect equality, and prevented those scenes of almost Guelph and Ghibelline discord and ferocity, to which the struggles for municipal ascendancy would give birth in many towns and cities throughout Ireland.

The Honourable Member for Dublin possesses a kind of magical kaleidoscope, through the medium of which he represents the state of Ireland, under the most opposite aspects, according as it suits his convenience. At one time, it is a paradise of quiet; at another, a pandemonium of disturbance. For my own part, I fully concur in viewing that country as a volcano; and I believe that the embryo corporations will serve as so many craters to inundate the whole district in their respective neighbourhoods, with the lava of sedition and discontent. Abolition was all that the Roman Catholics themselves asked, at no very distant period. But I have seen, with sorrow and surprise, that their pretensions have always risen in the ratio of their power; — it is even openly and ostentatiously affirmed, that they cajole us when they are weak, and coerce us when they are strong; and now they are intent upon effecting, not a mere annihilation of Protestant influence, but a palpable transfer of supremacy. There are only two classes of politicians who will derive any benefit from the new-fangled corporations, or who take any interest in their establishment; and those are, intriguing priests, and turbulent demagogues, — the very persons whose despotism, I, for one, am most anxious to control, or to extinguish. There is one annual, or rather, perennial, assertion of the Noble Lord, upon which I shall take the liberty to comment, because it greatly enhances the alarm with which I view the relative position of Popery and Protestantism in Ireland. "The English," says the Noble Lord, "have obtained municipal reform, because they are Englishmen; the Scotch have obtained municipal reform, because they are Scotchmen; the Irish have not obtained municipal reform, because they are Irishmen." I can only characterise such a position as most unfounded and unfair. For my own part, at least, I am opposed to the constitution of these normal schools of agitation, as they have been so often and so emphatically termed, — not because the corporate offices will be filled by Irishmen, but because the new system must increase the power of a party, in my opinion, the most inimical to the true welfare and permanent tranquillity of Ireland; — a party who make no secret of their eagerness to overthrow the Protestant Church; and who will not scruple, for the sake of effecting that unrighteous object, to contend for the virtual dismemberment of the empire. Is the Noble Lord prepared to follow out his reasoning to its legitimate conclusion? Supposing that, in the next epistolary anathema addressed to him by Archbishop M'Hale, that Ajax Flagelistes of modern polemics were to say, "The Episcopalian English have obtained an Episcopalian Church establishment, because they are Englishmen; the Presbyterian Scotch have obtained a Presbyterian Church establishment, because they are Scotchmen; the Catholic Irish have not obtained a Catholic Church establishment, because they are Irishmen." According to the Noble Lord's doctrine, he could see no confutation of this analogy; and as he has furnished the argument, I trust he is prepared to supply the answer. I have, at all times, cordially supported the principle of converting, upon fair terms, the tithe into a rent charge; but I must confess that I was never led to form a very high or sanguine estimate, as to the amount of security which that sacrifice was likely to purchase for the Established Church. It will prevent direct collision between the Protestant clergyman and the Roman Catholic occupier of the soil, — an object, unquestionably of the greatest importance; but has it appeased the inveterate enmity of the popish priest? Has it silenced the inflammatory invectives of the popish agitator? Does any one dream that the object for which these conspirators against Protestantism have been striving is, to procure for the heretical incumbent an easier and more regular payment of his due, and to extort from the landlord an usurious per centage, in his new capacity of banker or tithe proctor to the clergy?

Let the House listen to the terms in which the Honourable Member for Tipperary has denounced the Church of Ireland, — that Church which he has sworn, at the table of the House, not to weaken or to impair, — and then judge whether that Honourable Member, and those who think as he does, can regard the Tithe Bill as a satisfactory and final adjustment. The Honourable Gentleman now describes it in very different terms from those which he would have ventured to employ in 1828. The Roman Catholics are wise men in their generation. They know exactly what claims it is expedient, under any given circumstances, to advance, although the ultimate object of annihilating the Protestant religion is never absent from their thoughts; being not only cherished as a desire, but inculcated as a duty. "This," says he, "is the Church on which a faction fattens, by which a nation starves; — the Church from which no imaginable good can flow; but evil, in such black and continuous abundance, has been, for centuries, and is to this day, poured out; — the Church by which religion has been retarded, morality has been vitiated, and animosity has been engendered." I avow, without hesitation, in the face of my country, that I can neither justify nor account for my past or present opposition to the Municipal Reform Bill for Ireland on any other ground than one which I deem to be paramount and conclusive, — namely, a determination on my part not to strengthen, by any act of mine, the hands of the Roman Catholic faction in Ireland; who, I am persuaded, are unanimous in their wish, and unchangeable in their design, to overthrow the edifice of our Protestant Established Church, for the purpose of building up a popish fabric on its ruins. The state of Protestant feeling, throughout this Protestant country, is not fairly expressed, or adequately represented, in this House. I believe that the Protestants of Ireland are much less dismayed by the unscrupulous activity of their enemies, than disheartened by the paralysing apathy of their friends. The lamp of Protestant light would indeed burn with a dim and feeble flame, if it were not supplied from other sources, extraneous to the British Parliament, with the pure and holy oil of devotedness, zeal, and affection. Those who tax me, for giving utterance to these opinions, with intolerance or exaggeration, indirectly charge our illustrious ancestors, the martyrs of Protestant truth and the victims of popish tyranny, — with all the rancour of bigotry, and all the rashness of fanaticism. My disappointment at the results which have flowed from the Roman Catholic Relief Act is, perhaps, even more poignant than that of my Right Honourable Friend who introduced that Act, in 1829, as the preferable alternative in a choice of evils. When first I was elected a Member of this House, in 1811, I declared myself an humble but zealous champion of that measure, as being in itself a positive good. For the sake of contributing, as I fondly thought, to the happiness and welfare of Ireland, I forfeited the goodwill of an anti-Catholic Cabinet, and gave up all hopes of personal advantage, by voting in favour of Mr. Grattan's motion in the spring of the following year. But I am compelled to acknowledge, with deep humiliation and regret, that not one of my predictions have been fulfilled, nor one of my expectations realised. And are such complaints peculiar to myself? I cannot, on this subject, help alluding to a very striking contrast, which I have seen illustrated by multiplied examples. I have the honour to be acquainted with many politicians, who were, like myself, from the earliest commencement of their public career, most strenuous advocates of the Roman Catholic claims. I have heard not a few of them lament the fatal rror into which they were betrayed, by alse promises and specious misrepresentations; and a still greater number express heir grief and indignation at the extent o which solemn pledges had been broken, nd fresh pretensions urged, by those hose cause they had espoused, on the round of their repeated asseverations, hat when the privileges then contended or should be conceded, they would prefer o ulterior demands. On the other hand, also know many equally conscientious nd intelligent persons, who opposed hese measures up to the latest moment; nd I have never found that one of them as experienced the least compunction for he conduct which he has pursued, or manifested the slightest astonishment at the vils arising from the concessions which e had so deprecated and resisted. Not ne of them has ever exclaimed, "Well, am really lost in wonder when I reflect pon my own blindness and obstinacy. I m quite ashamed, when I contrast the ratitude of the Roman Catholics towards heir supporters; the abstinence of the riests from all interference in the turmoil of secular politics; the undisturbed ranquillity of Ireland, and the entire ecurity of the Protestant Church, with ll my gloomy anticipations, and all my xaggerated fears."

Another objection which I have to this easure is, the apprehension that it will, re long, be followed up, on the part of ler Majesty's Ministers, by further conessions to Roman Catholic importunity. n this head, I am convinced that there is o finality. The principle on which they ct in all their negotiations with the ovement party seems to be this:—"We ill concede nothing that you will allow s to withhold; but we will withhold nohing that you insist upon our conceding." ll the enemies of the Church are their iends, and most of the friends of the hurch are their enemies. The news of eir resignation was received, last year, ith delight by the Protestant clergy roughout the realm; their return was ailed with a delirium of joy by the priests nd precursors of Ireland; and why? ecause the former anticipate extreme anger to our ecclesiastical establishment om their continuance in place, while the tter are led to hope that there is some rospect of obtaining, through their instrumentality, a portion, at least, of those bjects which their leaders so strenuously sist upon out of doors, and within the alls of Parliament as studiously abstain om urging. It is admitted, and even ontended, by their own partisans, that ny alternative is preferable to that of resignation. The principle of maintaining a Protestant Church in Ireland is already made an open question in the Privy Council, by the admissions of the Right Honourable Member for Tipperary, and may become so, ere long, in the Cabinet. There, every important measure has both its supporters and its opponents. It is a kind of *concordia discors*, where there are usually six of one side, and half a dozen of the other. The only maxim to which all must adhere is this,—that duty must be sacrificed at the shrine of interest, and office retained at the expense of principle. I am aware that it is quite hopeless to oppose the further progress of this Bill; but I believe that, with all the most honest and zealous Protestants of Ireland, it is not less unpopular than the most obnoxious of its predecessors. Her Majesty's Ministers boast much of Irish tranquillity, which I place on a level with Ministerial consistency; both are temporary and conditional; both depend entirely for their continuance upon considerations of policy and convenience. This Bill must necessarily tend to increase papal influence in Ireland, and to undermine British supremacy. It is a Bill investing Daniel O'Connell, Esq., M.P., with the office of Lord Mayor of Dublin, *quam diu se malè gesseret*, and for enabling him to appoint vice-agitators to every office in every municipality, in order that meetings may be annually held, and petitions annually voted, for the conversion of the rent charges of the Protestant Church to secular purposes. It is a Bill, not for dismantling certain time-honoured fortresses, but for compelling the Protestant troops to evacuate them, that Papist troops may take their place. My Noble and Right Honourable Friends near me may, ere long, have cause to lament that they have abandoned the high vantage ground of principle, and allowed themselves to be entangled in the narrow defile of detail, amid the miry marshes of expediency. It must be allowed, that their conduct is, at all events, most disinterested; for they will find, if they traverse the whole length and breadth of Ireland, that while they have not conciliated a single opponent; they have damped the energy, and outraged the feelings, and forfeited the confidence of many a stanch and steady friend. How many true-hearted Protestants will now be induced to exclaim, "Why should we take an interest in the Conservative cause? why should we canvass? why should we vote? why should we register? why should we incur obloquy? why should we expose ourselves to danger? The incomes of our clergy have already been diminished by one fourth, our corporations are now recklessly transferred into hostile hands. How long will our Church itself be spared? Why may it not also be made over to Popish tyranny and superstition? Our intrepid ancestors engraved on their banner the champion's legend, 'No surrender!' We, their degenerate descendants, must, ere long, efface that inscription, and substitute in its place the coward's motto, 'No resistance!'" I am persuaded that many a Protestant will, ere long, contemplate, with patriotic anguish and generous indignation, the processions of the Roman Catholic lord mayor of Dublin, in all the splendour of his official insignia, from the Mansion House to the mass house; and I can wish no severer punishment for my Honourable Friends near me, who have in this instance deserted the Protestant cause, than that they should be present as guests, or as spectators, at the inaugural banquet which will follow. There, "my Lord Mayor O'Connell" will, in the first instance, propose "The health of his Holiness Pope Gregory XVI., and may he soon extend his paternal sway over an entire nation of united Irishmen!" Next will follow, "Her Majesty, the Queen," with all the honours, accompanied by a silent but very general supplication, that Her Majesty may, in due time, like her illustrious predecessor Queen Mary, become a nursing mother of the true church. Then, "Her Majesty's Ministers; the Liberal Members of the House of Commons; and the glorious, pious, and immortal memory of the appropriation clause." After that will be proposed, "The healths of the Duke of Wellington, Sir Robert Peel, Lord Stanley, Sir James Graham, the Recorder of Dublin, and the non-Liberal Members of both Houses, without whose generous co-operation we never could have ousted our bigoted predecessors, or attained those high offices which it is our pride and our happiness to hold." What the fifth toast may be I do not pretend to divine, but it certainly will not include Sir George Sinclair or Sir Robert Inglis.

[Loud laughter.]

This Bill cannot fail to gratify the ambition, to further the interests, and to consolidate the power of a faction which cherishes a deadly hatred to the Protestant faith, and is resolved to leave no means untried for overturning the Established Church; whilst, at the same time, it must enhance the mortification, endanger the security, and annihilate the influence of a party heartily devoted to the Protestant religion, and uniformly attached to British interests. It might, with a few alterations, be described in the emphatic language applied by a Right Honourable and Learned Privy Councillor to the Church, — it is a Bill by which a faction will triumph, and a nation be disturbed, — a Bill from which no imaginable good can flow, but evil, in black and continuous abundance, — it is a Bill by which religion will be retarded, morality vitiated, atrocity engendered; and therefore, after respectfully tendering to the House my acknowledgments for their indulgence, I feel the greatest satisfaction in having the honour to move, as an amendment, "To leave out the word 'now,' and at the end of the question to add the words 'upon this day six months.'"

Mr. E. TENNENT.—In seconding the motion of my Honourable Friend, I will not take up the time of the House by reiterating the arguments which, from the very first, have disposed me to be opposed to the measure; but the question has been under consideration for so many years, and has been discussed in all its bearings in so many successive Sessions, that there is no Member, the most indifferent, who must not have had it forced upon him to form some opinion concerning it, and to become, in some degree, decided in his views as to its bearings. I am not content to rest my opposition to the Bill on the same grounds as those taken up by some of the gentlemen in the corporation of Dublin; whose alarms regarding its political and sectarian effects I cannot but regard as highly excited and exaggerated; but these have been so repeatedly canvassed in the House, that I will abstain altogether even from stating the proportion of importance which does attach to them. In Dublin it may, and I have no doubt the change in those respects will, be very considerable; but I do not believe so of Belfast, and the other important towns in Schedule A. But, independently of these considerations, there are other and important grounds on which I have, from the very first, resisted the introduction of the measure, and on which I am still as strongly as ever opposed to it, — namely, its practical working, its turmoil, excitement, and expense — points so objectionable in a mercantile community,—and its cumbrous inapplicability, at the present day, to the objects which it is designed to accomplish; and which might be far more satisfactorily compassed by simpler, cheaper, and more rational arrangements. It is contrary to all experience, to say that institutions [illegible] orms of municipal government, which night have been very necessary during he middle ages, and very suitable to a urbulent state of society, in which comnerce was insecure and social relations ere undefined, must, as a matter of course, e indispensable, or even applicable, to he same objects now, when all these evils ave disappeared, and when the functions f municipal government are confined, xclusively, to those arrangements which re essential to the health, the cleanliness, nd the comfort of the municipal commuities. I speak, of course, of the form of overnment contemplated by the present ill, which is one referable to very remote ntiquity. When the trading portion of he population first congregated into owns, and, separating itself from the gricultural, purchased or obtained the ights of self-government, the form hich, from vanity, perhaps, more than tility, they chose, was an imitation of a mited monarchy, — the mayor repreenting, and frequently, even to the preent day, assuming the very title of, the overeign, and the aldermen and common ouncil representing the two Houses of arliament; whilst the other attributes f government — the administration of stice, the maintenance of an armed orce, the levying of taxes, and the state f royalty — each found an imitation in e recorder and his prison, the local poce, the borough rate, and the corporate fficers. All this might then, perhaps, ave been desirable as well as imposing; ut will any man in his sober senses say at all this array of assemblies and indeendent departments is either desirable, r suitable to the present times; or that a imple committee, or a body of elective ommissioners, would not much more ffectually accomplish all that is to be chieved? Will any man say that it is ssential to the well-being of Ireland that er towns should be watered and watched y a balanced constitution, or her streets epaved and lighted on the principle of a mited monarchy? One great mistake as clearly made, when the corporations f England were under revision, that this bsurd system was not swept away altoether, and the functions of municipal overnment handed over to a body of the itizens, chosen by the community at rge, and acting for the general good, ithout ostentation, or turmoil, or selfterest. But the commission of that rror in England has led to a similar fliction upon Ireland, in the shape of he present Bill; and my opinion has rom the first been, as it is now, in favour f sweeping away this absurd and antiquated machinery altogether. On this broad and intelligible principle, I, as representing a business-like and active community, am opposed to the present Bill, as one utterly unsuited to their wants, and actually hostile to their peace. I, on a former occasion, pointed out that, besides overthrowing a system of municipal government which at present exists, to the perfect satisfaction of my constituents in Belfast, simple, cheap, and effectual, and substituting in its stead this complicated, and extensive, and turbulent code, the new corporation, when elected, will, in reality, have not one single function to perform in that town. Its whole affairs will still be managed, as heretofore, by boards chosen under local Acts, which are not to be repealed; and the new corporation, after all its noisy and angry elections, its costly and turbulent contests, will have an absolute sinecure. Such will, likewise, be the case in Dublin, so far as regards municipal functions; and, on the same principle, many of the other great towns of Ireland — Galway, Sligo, and Clonmel — are, if not avowedly hostile, at least very dubiously inclined towards it. In this way, available for no useful purpose, power will not fail to be perverted to political mischief, and the augmenting of that which but too loudly calls for diminution — the bitterness of religious and political asperity and contention in Ireland. Now, if there is one town in that country in which, more than another, I look with indifference as to any positive power accruing, in the end, to the Radical party by the Bill, it is the town of Belfast; but I do see it an inducement, in the mean time, to agitation, and a premium to discord, which will not fail, while they last, to be highly detrimental to the public peace; and, to show the House the spirit with which one party, at least, are already preparing to carry the new law into execution, I will read an extract from the *Belfast Vindicator*, a Roman Catholic newspaper of great ability, and certainly of great candour and openness of purpose, which, within the last few days, contained the following exhortation to the new municipal constituency. It proceeds, "We have ——

The SPEAKER. — Order, order! The Honourable Member must be aware that he is not in order in reading from a newspaper in the House.

Mr. E. TENNENT. — I was not about to read from a newspaper; but I was about to read an extract I have taken from a newspaper, as part of my speech.

I have cut out from the paper a slip of the portion to which I wish to call attention, conceiving that I should not be out of order in reading it.

The SPEAKER. — I apprehend there can be but little difference in reading from a newspaper and in reading a printed slip cut out of a newspaper. Had the Honourable Member taken the precaution of copying that paragraph, there would have been no objection to his using it as part of his speech.

Mr. HUME. — I submit, Sir, that it would have the effect of depriving the House of many facilities in the transaction of business, if Honourable Members were prohibited from reading printed papers in this House; and I conceive, that, if they are denied permission to read an extract from a newspaper, it amounts to a prohibition against all printed papers.

The SPEAKER. — I understand the rule of the House to be, that unless a Member gets up in his place to complain of a breach of privilege, he is not entitled to read from a newspaper; and as a slip is equivalent to a newspaper, it appears to me that the Honourable Member for Belfast cannot be in order in reading to the House, as he proposes to do, the extract in question.

SIR R. PEEL. — Sir, if I recollect aright, the rule applicable to the reading of newspapers in the House is this, — that Members, on account of the indecorum and the inconvenience that would result from any such practice, should not be at liberty to read newspapers in the House, which have no reference to the matters under consideration; but I doubt whether it would not be drawing the rule too tight to say that a Member is not at liberty to read an extract from a newspaper as part of his speech. Suppose a public meeting had occurred, the resolutions of which were thought to be of sufficient importance to deserve the attention of the House, and that an Honourable Member found reading from a newspaper to be the most convenient mode of putting the House in possession of those resolutions; are we to say that such a proceeding would be out of order? Could we establish a rule prohibiting such a reference? I know it is irregular to refer to a report of a speech appearing in a newspaper, and purporting to have been delivered in this House; for, of course, Honourable Members cannot be held responsible for anything which they have not themselves formally authorised. Reports appearing in newspapers of speeches made in this House are, undoubtedly, matters which cannot be referred to as authorities; but I think it might be, in some cases, most inconvenient if Honourable Members were not at liberty occasionally to make extracts from newspapers as part of their speeches. The House cannot distinguish between newspapers, on the one hand, and pamphlets, reviews, and books, on the other; and I presume it will not be said that an Honourable Member is not at liberty to refer to any printed paper as part of his speech.

LORD J. RUSSELL. — I do not see any differince between printed books and newspapers, so far as the reading of extracts is concerned; and I must say, that I have seen the reading of such extracts allowed; though it certainly is contrary to the strict law of the House. If, however, an Honourable Member makes an extract, whether printed or written, — whether from a newspaper or from a book, — a part of his speech; — be the strict rule what it may, — the practice has of late been to leave such a matter to his own discretion.

SIR R. PEEL. — On a late occasion, large passages from newspapers were read in the House, containing a correspondence between Messrs. Fox and Forsyth, respecting the frontier of New Brunswick, which contained information of great public importance. I shall, of course, treat with the greatest possible respect any opinion coming from the Chair; but I never before heard that the reading of extracts was contrary to order.

LORD J. RUSSELL. — I remember, some years ago, that I had occasion to refer to reports of considerable importance, respecting the conduct and treatment of prisoners, and that the Speaker of that day held I was out of order. He said, that such extracts as those which I proposed to read could not be read without the permission of the House.

Mr. LAMBTON. — I really think it is absurd to find, that in a grave assembly convened for the purpose, amongst others, of collecting information and discussing it, an attempt should be made to prevent the reading of a quotation, merely because it happens to be in print.

Mr. EMERSON TENNENT. — I suppose, then, it is understood that I [illegible] be permitted to read the extract from the newspaper? It is this: —

> As regards Belfast, we have looked closely into the probable state of the franchise in the several wards; and we can safely promise to reformers a decided majority in the council. It s time to consider what proportion of that majority, or, rather, of the candidates hereafter to form it, will be selected from the Catholic body. . . . If the 30,000 Catholics in Belfast be permitted, without the heat and excitement of a contest, to select eight councillors and two aldermen, out of the forty gentlemen to be chosen o these offices, we can promise that they will seek no more; it would not be candid to admit adding that they will be content with no less. . . . The Catholics of the town will speedily meet to put forward their views in a more distinct manner, and to arrange details important o success. An appeal will then be made to Protestant reformers, the result of which we heartily trust will be a warm co-operation between both.

It would seem that this honest avowal f the Catholic organ excited the alarm of he more wily Ministerial paper in Belast; for, in the next publication of the *Vindicator*, there appeared the followng: —

> The *Northern Whig* of yesterday, referring to ur late articles on the municipal question, derecates the idea of sectarianism having any inuence on the selection of corporators in Belst, and declares that people will care little for he religion of the parties, if they be otherwise ualified. This would be to drivel, if it were ot something worse. No question was ever gitated from the beginning, — not even the uestion of Catholic emancipation, — more comletely in reference to sectarianism than this ne; and so the writer proceeds to justify the etermination of the Roman Catholics, to make not a municipal, but a religious and political, uestion.

Now, I have already said, that the issue f such a struggle I hold in utter conmpt. The Radical and movement party ill, in the end, make nothing by the rife; the influence of property, and e good sense of commerce and business, ill in the end prevail, and keep each rty in its proper place; but, at the me time, I cannot express in too strong rms, my disapprobation of a measure hich, without any practical or beneficial sult, will lead inevitably to such a urse of contention, and heart-burning, d animosity, intermediately. I see in a system unsuited to the altered cirmstances of modern times, and effects ghly detrimental to the public peace; d chiefly on these general grounds, ough not irrespectively of others, I give y hearty support to the motion of my onourable Friend (Sir George Sinclair), at the Bill be read a third time on this y six months.

Question put, "That the word 'now' stand part of the question."

Mr. SHAW. — I regret that my Honourable Friend (Sir G. Sinclair) has made the present motion; and I hope that he and my Honourable Friend the Member for Belfast will be content with having delivered their speeches against the Bill, and not press the amendment to a division. I feel quite assured that if they do, the division will be misunderstood, and the conduct of those on this side of the House who vote against my Honourable Friend's amendment will be subjected to being both misinterpreted and misrepresented. If, notwithstanding, a division be pressed, then I must act, under the circumstances, in the way which I believe to be the most consistent with the course I have hitherto taken, and with the general views which I entertain on the subject of the Bill; and that will be by voting against the amendment. I might have absented myself altogether; but I was adverse to shrinking from the responsibility of taking one line or other upon a question of so much importance, and in respect to which, from first to last, I have been obliged, by circumstances, to take an active part. I am free to admit to my Honourable Friends, that I do not approve of the Bill in its present shape, and that if the question were, whether or not it should, in its present shape, pass into a law, I should vote against it.

SIR GEORGE SINCLAIR. — Hear, hear!

Mr. SHAW. — My Honourable Friend cheers; and true it is, that, according to the mere technicalities of the House, I might, on this account, be expected to vote for the amendment of my Honourable Friend; but I am not prepared to sacrifice substance to form; and the practical question that will be decided by the vote of this night is, whether or not the Bill shall be sent to the House of Lords, for the purpose of being amended there, and then, so amended, passed in the present Session. I have, in strictness, no right to assume that the amendments which I proposed in this House will be made elsewhere; but the question is not a new one; we are well acquainted with the stages through which it has already passed; and I particularly bear in mind, that those amendments for which I contend, were last year made in the other House of Parliament, and that the Noble Lord opposite, the leader of the Government (Lord J. Russell) subsequently declared in the House, and in my presence, his willingness to accept of the Bill, thus amended. Considering, then, that the Noble Lord is bound by the same honourable obligation, upon which I, and others on this side of the House, have acted in reference to that same measure, to adhere to the spirit of the declaration he thus made at the end of the last Session; I feel it my duty not to oppose the Bill being forwarded, in order to that end. I will not now further advert to those implied pledges or public declarations which have been made on both sides of the House, than to say, that if I were released from any share in them, (which, after the statements made by the leaders of the Conservative party, in both Houses of Parliament, and the conditions on which the two other Irish measures now in operation have been granted, I do not feel that any member of that party who has not dissented from them well can be;) I would nevertheless be unwilling to rest my conduct upon that narrow ground; and even if I were free from all such honourable engagement, I should be prepared to say, upon the intrinsic merits of the question itself, that I must regard it as more conducive to the public good, and to the welfare of Ireland, that the question should be settled on the principle which has been agreed on by both Houses of Parliament, than that it should remain any longer in its present unsettled and most unsatisfactory condition. Indeed, we seem to be reduced to that alternative; for none of my Honourable Friends who object to my course have themselves proposed to substitute any other; and as my Honourable Friend (Sir G. Sinclair) has dwelt so much upon the Protestant interests of Ireland, to which, I trust, I am as firmly attached as my Honourable Friend, or any other Member of this House, I cannot help saying that I consider the true interests of Protestantism in Ireland to be rather prejudiced than served by the patronage and advocacy of those injudicious and irrational persons into whose hands some of the present corporations have too much fallen of late; owing, principally, I believe, to the fact that the legislation of the last five years has so crippled the powers of the existing corporations, in regard to the management of their property, and the appointment of their officers, as to have driven from all share in their control the most respectable and influential persons who had been previously in connection with them; and to have prevented all others of that class from joining them. Under all these circumstances, if a division be pressed, I must vote against the motion of my Honourable Friend, to postpone the consideration of the question for six months more. But I principally rose to deprecate any division being taken in this particular stage of the measure, as being calculated to produce misunderstanding, and to countenance the appearance of a difference of opinion which does not really exist at this side of the House.

COLONEL PERCEVAL. — In the hope and expectation of being able to assist in resisting the progress of a measure so destructive to the interests of the loyal and well-affected in Ireland, and to the interests of the reformed Established Church in that part of the empire, I shall cordially support the amendment. It is the more imperative upon me to pursue this course, as I with pain observed that the most of the clauses in this Bill — 240 in number — were run through, without discussion or examination, in the short space of as many minutes. The Bill, therefore, in effect, remains nearly in the same state in which it was before it was committed. The great objection I have to the Bill is, that it is obviously calculated to take all political power out of the hands of the members of the Established Church in the corporation towns of Ireland, and to transfer it to that body already so powerful and predominant in numbers, — the Roman Catholics in that country. Indeed, this important object, though not avowed, singularly slipped out the other night, in a speech made by the Honourable Member for Dublin (Mr. O'Connell). In its present form, and with the objectionable and impolitic clauses it contains, it is absurd to expect that this measure will ever be calculated to meet the evils which have been found to exist in these corporations; and rather than adopt such a Bill, I prefer joining with those who propose dispensing, for the present at least, with corporations in Ireland altogether.

Mr. SOMERSET MAXWELL. — On the division which took place respecting the principle of this Bill, in the last Session, I was in the minority; and had I not been unavoidably absent, I should, in the present Session, have voted against the second reading of the Bill; for the effect of it, in my opinion, will be, to place a large amount of power in the hands of a portion of the community who, so far from being free agents, are under the dominion of a tyrant priesthood, who never were more hostile to Protestantism than at the present moment.

The House divided: — Ayes 182, Noes 34; — Majority 148.

AYES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Anson, Hon. Colonel
Bailey, J. jun.
Baines, E.
Baring, Rt. Hon. F. T.
Barron, H. W.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Clive, Hon. R. H.
Collier, J.
Coote, Sir C. H.
Corbally, M. E.
Craig, W. G.
Curry, Mr. Serjeant
Dalmeny, Lord
Darlington, Earl of
Davies, Colonel
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duncombe, T.
Dundas, F.
Du Pre, G.
Eaton, R. J.
Eliot, Lord
Elliot, Hon. J. E.
Ellice, Rt. Hon. E.
Ellice, E.
Evans, Sir De L.
Evans, G.
Evans, W.
Feilden, W.
Fenton, J.
Fitzalan, Lord
Fort, J.
Gisborne, T.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Graham, Rt. Hn. Sir J.
Grattan, J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimstone, Hon. E. H.
Guest, Sir J.
Hall, Sir B.
Hardinge, Rt. Hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, Rt. Hon. Sir J.
Hollond, R.
Horsman, E.
Howard, Hon. E. G. G.
Howard, F. J.
Hume, J.
Hutchins, E. J.
Hutton, R.
Irving, J.
Knight, H. G.
Lambton, H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lemon, Sir C.
Liddell, Hon. H. T.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, Right Hon. T. B.
M'Taggart, J.
Mahon, Lord Viscount
Marshall, W.
Martin, J.
Marton, G.
Maule, Hon. Fox
Melgund, Lord Visct.
Miles, P. W. S.
Milnes, R. M.
Morpeth, Lord Visct.
Morris, D.
Nicholl, J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Ord, W.
Paget, F.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Pattison, J.
Pechell, Captain
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Planta, Rt. Hon. J.
Ponsonby, Hon. J.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rich, H.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Shaw, Rt. Hon. F.
Sheil, Rt. Hon. R. L.
Slaney, R. A.
Smith, J. A.
Smith, A.
Somers, J. P.
Somerville, Sir W. M.
Stanley, E.
Stanley, Lord
Stanley, Hon. W. O.
Stewart, James
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, Right Hon. Sir R. H.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Wood, G. W.
Worsley, Lord
Wyse, T.

Tellers.

Parker, J. (Sheff.)
Stanley, Hon. E. J.

NOES.

Blackstone, W. S.
Broadley, H.
Castlereagh, Lord Vt.
Chute, W. L. W.
Darby, G.
Dick, Q.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Fector, J. M.
Fox, S. L.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Hodgson, F.
Hodgson, R.
Houldsworth, T.
Jones, Captain
Knox, Hon. T.
Mackenzie, T.
Maunsell, T. P.
Maxwell, Hon. S. R.
Neeld, Joseph
Palmer, G.
Perceval, Colonel
Pigot, R.
Polhill, F.
Pringle, A.
Richards, R.
Sheppard, T.
Shirley, E. J.
Waddington, H. S.
Williams, R.
Young, J. (Cavan)

Tellers.

Sinclair, Sir G.
Tennent, J. E.

Main question put, and agreed to; Bill read a third time; clause added; amendments made; Bill passed.

MESSAGE FROM THE LORDS,

That they have passed a Bill, intituled, "An Act to repeal so much of an Act passed in the thirteenth Year of the Reign of his Majesty King George II., intituled, 'An Act to restrain and prevent the excessive Increase of Horse Races,' and for amending an Act made in the last Session of Parliament, intituled, 'An Act for the more effectual preventing of excessive and deceitful Gaming, as relates to the Subject of Horse Racing.'"

PRINTED PAPERS BILL.

On the motion of Lord John Russell, the Order of the Day for second reading, read.

Upon the question being put, "That the Bill be now read a second time,"—

SIR E. SUGDEN said:—I wish simply to make a few observations, with a view to obviate some of the difficulties that may arise in the course that is now to be pursued, with respect to the publication of the printed papers of the House; and, particularly, do I wish to explain why I voted against the motion for leave to bring in this Bill. I did so, not because I disapproved of the Bill, but because I could not get an assurance that it is intended to accompany the measure with any restriction on our publications, for the protection of individuals, against any defamatory matter which may appear on the face of them. I have a motion on the paper for Thursday, for the appointment of a Committee to consider what steps shall be taken to guard against the publication of proceedings of the House, containing matter criminatory of individuals; and, also, to consider whether the order for the sale of our papers shall be rescinded, or placed under some better regulations. I will not now do what I should be prepared to do, if that motion were to come before the House,—namely, state what has been the course of publication, and what the result of the sales. I will not do so, because I understand this will appear by the Report of the Committee on Printed Papers, which is shortly to be laid before the House; but having taken some trouble to consider what regulations may be adopted by the House, in order, concurrently with the Bill, to prevent the danger which has hitherto arisen from the publication of our papers, I shall shortly state what checks I think will be sufficient to prevent papers being sold, which contain, either from carelessness or other cause, defamatory matter. First, there are the Votes and Proceedings of the House without the Appendix; to the sale of which, as at present, there can be no objection; for the judges of the Court of Queen's Bench have themselves admitted that the right to sell these rests on grounds essentially different and distinct from those involved in the question of "Stockdale *v.* Hansard." Now, in all our resolutions, since the first general resolution in 1680, we have inserted directions that the Votes and Proceedings of the House should be first perused and signed by the Speaker. The House then took care to have the sanction of their Speaker, as to the accuracy of those Proceedings, and the propriety of their publication. I shall therefore propose no change upon that point. The Appendix to the Votes and Proceedings stands upon different grounds; but I will not suggest any alteration in that particular either, because the Public Petitions Committee peruse everything contained in that Appendix. It is true that in one instance, in 1836, an atrocious libel was published in the Appendix with the sanction of that Committee; but the public interest required that publication. If, in any given case, it shall be found necessary to publish papers that may contain criminatory matter injurious to individuals, it is quite clear that then the interests and feelings of the individual must give way to the public good. All I contend for is this; that where no such necessity exists, we shall not, from mere carelessness, reflect injuriously on the character of an individual. Therefore I am quite willing to leave the Appendix in the hands of the Committee, who will, as heretofore, exercise a proper discretion as to what shall be published, and what shall be withheld. Then, with regard to the Supplement, the present practice is, that, when a petition is presented, and a motion made "that it be printed," the Speaker interferes, and says, that it cannot be printed unless it is intended to found a motion upon it. If the Member presenting it says he intends to found a motion upon it, it is then ordered to be printed, and is circulated the next day throughout the country; so that, in this way, unless there be some check, the most atrocious libels may be disseminated. For this evil, I would propose the simple check, that no petition be published until it shall first have been read at the table of the House, and have been perused and signed by the Speaker. With respect to Bills, it seems to me unnecessary to make any new regulation. Then come the items of accounts and papers, which I think require no other care than what it may be expected will be paid to them by the proper officers of the House, in guarding against the introduction of defamatory matter. With regard to Reports, they are of two kinds; those proceeding from our own Committees, and those laid before the House by Commissioners of Inquiry. These, both of them, seem to require some further check than there exists at present. I would suggest, when Reports of either kind are made to the House, the Committee or Commissioners from whom they proceed should at the same time state whether there existed any reasons for not publishing any particular part of the Reports. In addition to those checks, I beg leave also to suggest the expediency of appointing a Committee of publication. There is, at present, a Committee of Printing; but it is not held to be a part of the duties of that Committee to consider which of the rinted papers are proper to be sold; for, y a resolution of the House, all printed apers are directed to be sold indiscrimi- iately. We have, therefore, no check pon the sale, although we have upon the rinting. I do not object to the sale of arliamentary papers generally; on the ontrary, I consider it the best mode of ommunicating them to those who are in- erested in their contents. I would much ather not interfere, myself, with this Bill; would prefer that the Noble Lord oppo- ite should move for a Committee to con- ider what checks it is expedient to place pon the sale of our printed papers, or hat the Noble Lord would take into con- ideration the suggestion which I have aken the liberty of offering, and add to is Bill such provisions as he may think est adapted for carrying into effect those uggestions, or any others which may ap- ear to him more likely to accomplish the bject in view. If such provisions are ntroduced into the Bill, I shall have great leasure in giving it my support; but if he measure be not accompanied with ome such checks as I have mentioned, I hall be reluctantly compelled to oppose it on the third reading. I cannot conclude, without saying a word upon the last clause in the Bill as it now stands,—I mean the clause providing that all actions heretofore brought or prosecuted, or which may hereafter be brought or prosecuted, for any alleged trespass, under or in execution of any warrant granted by the Speaker of the House of Commons, by authority of the House, since the commencement of the present Session of Parliament, shall be put an end to, and finally determined, discharged, and made void. Now, I think it impossible to maintain that clause; and I have no conception that it will pass elsewhere. The House has no official knowledge that any such proceedings have been taken, or are in contemplation. The title of the Bill does not warrant the introduction of such a clause; and, on general principles, also, it is very objectionable; for if the officers of the House have not exceeded their duty, the privileges of the House will protect them; and where any excess have been committed, the injured party ought not to be deprived by this House of the means of redress.

Mr. WARBURTON. — Sir, the question as to what restrictions ought to be placed upon the printing and publication of papers, although certainly an important one, is quite a distinct one from that now before the House. It may be, no doubt, a very proper question to consider, whether the existing restrictions are or are not sufficient; but I say that this is not the time for considering that question; and that the Members of this House ought not to be placed under duress, by being required to permit, as a premium for the passing of the Bill under consideration, a restriction upon their right of publication. I certainly hope that no additional restrictions will be placed upon the printing of petitions; as I think those already imposed are quite sufficient. The character of the Honourable Member who presents a petition, and moves that it be printed, is, in a great degree, pledged to it; and he himself gives his sanction to it, by his assurance that he intends to make it the subject of a special motion. The Right Honourable Gentleman says, that an additional check is required, in the case of Reports of our own Committees, thus far, —that, through their chairman, each Committee shall state whether there exist any reasons for suppressing any part of the Report. Now, it must be known to many Honourable Members, that considerable discretion is at present exercised by the chairmen of the Committees from which those Reports proceed; and that it is the common practice to omit in them such evidence as reflects unnecessarily on private individuals. The Right Honourable Gentleman also says, that there ought to be a Committee of Publication, which would judge of the fitness of the sale of all papers ordered to be printed by this House. To that suggestion, I would apply the same remark that Milton applied to the question of the establishment of a censorship. "Will the censors read all the works, over which they are to act as censors, and to which their *imprimatur* is to be affixed?" So would I ask of a Committee of Publication; for I believe that no Committee would read, or could read, all the matter which this House orders to be printed.

Mr. HUME. — If the Right Honourable Gentleman were in the habit of attending Committees, he would be aware that the course now suggested by him is generally put in practice. I know that the Police Committee, as well as several others, suppressed several facts of the evidence taken before them, because it would have prejudiced the characters of individuals. Besides, Committees which have had the whole subject of the inquiry brought before them are much better judges than any Committee of Publication can be, upon the question of how much can be suppressed without giving the public a garbled and unfair version of the evidence.

Upon the question being put, "That the Bill be now read a second time,"—

SIR E. SUGDEN said:—I wish simply to make a few observations, with a view to obviate some of the difficulties that may arise in the course that is now to be pursued, with respect to the publication of the printed papers of the House; and, particularly, do I wish to explain why I voted against the motion for leave to bring in this Bill. I did so, not because I disapproved of the Bill, but because I could not get an assurance that it is in- tended to accompany the measure w any restriction on our publication the protection of individuals, agai defamatory matter which may ar the face of them. I have a r the paper for Thursday, for t ment of a Committee to c steps shall be taken to gu publication of proceedin containing matter crim duals; and, also, to co ard to order for the sale of onourable rescinded, or placed ojects, many gulations. I will e Bill will be of be prepared to it. I do not go quite come before t ainly am far from think- what has bee Right Honourable Gentle- and what t the clause will have the effect of not do so the officers of the House when appear exceed their duty. Under that clause, Printe these disputes will be put an end to, har- befor will prevail, and the question of pri- tro vilege will be satisfactorily adjusted. As a it stands at present, it proceeds on this ground, that vexatious actions have been brought, and may again be brought, to harass the officers of the House, when no grievance has been done, and where no compensation is due. Such actions, I think, may be stayed without any injustice. There were a great number of actions brought under the Non-Residence Act, all of which were estopped; and on various other occasions similar proceedings took place with respect to actions. The action against the Sergeant is purely vexatious; and if proceedings to stop actions were taken in other cases, I do not see why such a course should not be adopted in this respect. It is beyond all doubt, that the actions to which I allude have been brought, not in order to obtain the redress of any real grievance, but in order to raise the question of privilege, and to test the powers of the House of Commons. In my opinion, all persons who wish that these harassing proceedings should be put an end to, will see the necessity of such an Act.

MR. DARBY.—I do not wish at pre- but I will not sugge that particular eit Petitions Comm contained in that in one cious libel with th the p tion fo r erch par loca indi from , out that, on the ve invariably indicate or such considerations. For the Report of the Committee of 1837 was made to this House, on the subject of our privileges, as involved in the present question, at my suggestion these words were appended to it. And I now wish to be permitted to read them to the House, to show that some, at least, of those who have been the most strenuous supporters of its privileges have also been the last to desire to assert them to the injury of individuals, or the prejudice of private character. In the concluding pages of this Report I find the following remarks:—

In concluding their Report, your Committee feel it incumbent upon them to observe, that although they have expressed a decided opinion that it is absolutely essential to the effective discharge of the most important functions of the House of Commons, that the privilege of publication should exist without restriction, and that the authority to determine the extent of that privilege and the occasion for exercising it should rest exclusively with Parliament, they are not insensible to the evil which may arise from an incautious printing of parliamentary documents, in cases wherein the character of individuals is involved, and wherein no public necessity calls for publication, or no opportunity is afforded to the party affected to give an immediate answer to the inculpation. Your Committee are aware that, without the previous sanction of this House, no publication of its proceedings can be privileged; and that all presumption, therefore, of malicious motives is excluded: neither have they the slightest doubt that, if the attention of Parliament were directed to each individual case, ample precautions would be taken against the infliction of unnecessary pain, and still more against the possible case that the privilege of Parliament may be abused for the mere gratification of resentments connected with personal or party differences. But amidst the pressure of the important and multifarious business which occupies its attention, it is impossible to exercise, on all occasions, that precautionary vigilance which might effectually

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And that this has not been an idle boast I can bear witness; for I myself have seen, on more than one occasion, the exercise of a similar sound discretion by Committees of this House. I have known a case where reflections cast upon the character of an individual, in the evidence taken before a Committee of this House, were suppressed in the publication of that evidence and the Report of that Committee; and I have known another case where, when a public officer was accused of misconduct, the accusation was suppressed until the party accused should have had due notice, and sufficient time, to put in his defence. I think, generally, that this rule ought to be followed; and, I think, moreover, that, in cases of presenting petitions to this House, containing allegations against individuals, the greatest care should be taken to inflict as little pain as possible. There are cases, no doubt, in which the infliction of pain becomes unavoidable from necessity; the case of the public officer to which I have alluded, for instance, and others of an analogous character. But this general rule should, in my opinion, be strictly adhered to and observed, — that no pain should be inflicted gratuitously. The stronger our clam of privilege may be, and the more incontestable our right, the more urgent and imperative it is upon us, and the greater it is our duty, to see that no injury be done to individuals. I am sure that that is a rule which all will be unanimous in affirming. I do not mean to enter on the discussion of the Bill before the House, as the Noble Lord has agreed to take it on a future occasion; and I shall reserve what I may have to say until then. I rose merely to show to Honourable Members near me that the privilege of this House has been exercised, as far as I was concerned, with every delicacy to character and person; and I wished to place on record my own conduct and sentiments in respect to the main question.

Mr. WALLACE. — What is the date he Report from which the Right Ho- ble Baronet has read the extract?

iR ROBERT PEEL. — The date is the 8th of May, 1837.

SIR R. INGLIS. — I beg the attention of the House for a few moments; for so strongly do I feel the importance of the Bill, that, notwithstanding my Right Honourable Friend near me has given his assent to it without any comment, yet I cannot avoid offering one or two observations upon it. I must say, that I object, most strongly, to the principle of *ex post facto* legislation, which is involved in it. It is true that a precedent for *ex post facto* legislation has been adduced; but that precedent is one which bears no analogy to the question before us: it was a case where there was no direct personal wrong; and we are not justified, under such a precedent, in inflicting injury unnecessarily upon the character of an individual. But I have still a stronger objection to the second clause; which is intended not only to stop an action against our printer, but, also, to stop an action against any person who may even abuse authority delegated to him by this House. Now, I wish to hold myself free from the supposition that, by a tacit assent, I gave my support to such a clause as that. I must also object to the provision which goes to make the certificate of the Speaker a plea in bar to an action: it may lead to a great abuse; and it is an undue assumption of power. I shall, however, not oppose the second reading, as those objections may be raised at another stage of the Bill.

LORD J. RUSSELL. — I shall certainly give my most serious attention to the suggestions of the Right Honourable and Learned Member for Ripon; but I think it is much better not to enter on their discussion at present. It is a very important subject to which they refer;

I confess, I should look with great jealousy at the appointment of a censor or censors; because they would have the power of retaining or rejecting whatever they might think fit. I also think it unnecessary to make any change respecting the Reports of Commissioners; because they may fairly be intrusted with the responsibility of not publishing defamatory matter, unless it were essential to bear out their recommendations.

The ATTORNEY GENERAL. — Sir, it gives me great pleasure to think that this Bill is likely to have the support of the Right Honourable Gentleman the Member for Ripon. I will not now enter into a discussion of the merits of the provisions which the Right Honourable Member opposite proposes to introduce into the Bill, further than to say, that it would be very desirable to accomplish the object which the Right Honourable Gentleman has in view, if it could be done without injury to the other parts of the Bill; but that I do not think possible. With regard to the clause to which the Right Honourable Gentleman particularly objects, many persons consider that the Bill will be of no use at all without it. I do not go quite so far; but I certainly am far from thinking, with the Right Honourable Gentleman, that the clause will have the effect of protecting the officers of the House when they exceed their duty. Under that clause, all these disputes will be put an end to, harmony will prevail, and the question of privilege will be satisfactorily adjusted. As it stands at present, it proceeds on this ground, that vexatious actions have been brought, and may again be brought, to harass the officers of the House, when no grievance has been done, and where no compensation is due. Such actions, I think, may be stayed without any injustice. There were a great number of actions brought under the Non-Residence Act, all of which were estopped; and on various other occasions similar proceedings took place with respect to actions. The action against the Sergeant is purely vexatious; and if proceedings to stop actions were taken in other cases, I do not see why such a course should not be adopted in this respect. It is beyond all doubt, that the actions to which I allude have been brought, not in order to obtain the redress of any real grievance, but in order to raise the question of privilege, and to test the powers of the House of Commons. In my opinion, all persons who wish that these harassing proceedings should be put an end to, will see the necessity of such an Act.

Mr. DARBY. — I do not wish at present to enter fully into the question; but I wish to know what are the intentions of the Noble Lord opposite with respect to the suggestions of my Right Honourable and Learned Friend the Member for Ripon. I shall support the second reading of the Bill; but I sincerely hope that some means of security against libel may be adopted. I hope we shall have a real security in this respect. As regards the general question, I, for one, shall be exceedingly happy to have that unfortunate question settled.

SIR ROBERT PEEL. — I rise merely to state that those who have taken a part in supporting the privileges of this House have not by any means overlooked the individual suffering which might result from the course they had taken; but that, on the contrary, they have invariably indicated a regard for such considerations. For when the Report of the Committee of 1837 was made to this House, on the subject of our privileges, as involved in the present question, at my suggestion these words were appended to it. And I now wish to be permitted to read them to the House, to show that some, at least, of those who have been the most strenuous supporters of its privileges have also been the last to desire to assert them to the injury of individuals, or the prejudice of private character. In the concluding pages of this Report I find the following remarks: —

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> guard against the evil to which we have thus adverted. Much, therefore, must depend upon the discretion and sense of justice of individual Members respecting the presentation and printing of petitions, and of the chairman and members of Committees of Inquiry, in respect to the prosecution of their inquiries, and particularly in respect to the printing of the evidence which may affect private character, until the opportunity be given of rebutting it. To prescribe any positive rule upon such a subject is manifestly impossible. The invariable adherence to such a rule might protect public delinquents from a disclosure of their misconduct, or prevent the notoriety of facts important to the ends for which inquiry was instituted. It appears, however, to your Committee (and they think the practical experience of Members will support the conclusion to which they have come) that it would not be difficult, on a mature consideration of each case wherein the exercise of a discretion may be called for, so to apply it, in the great majority of instances, as completely to reconcile all proper regard for the character and feelings of individuals with the faithful and effectual discharge of public functions. The more essential the privilege, the more urgent the necessity for an exclusive and unfettered authority in deciding upon the exercise and the limits of it, the more important and the more becoming is it to take as much precaution as possible against the infliction of individual injury or unnecessary pain to private feelings.

And that this has not been an idle boast I can bear witness; for I myself have seen, on more than one occasion, the exercise of a similar sound discretion by Committees of this House. I have known a case where reflections cast upon the character of an individual, in the evidence taken before a Committee of this House, were suppressed in the publication of that evidence and the Report of that Committee; and I have known another case where, when a public officer was accused of misconduct, the accusation was suppressed until the party accused should have had due notice, and sufficient time, to put in his defence. I think, generally, that this rule ought to be followed; and, I think, moreover, that, in cases of presenting petitions to this House, containing allegations against individuals, the greatest care should be taken to inflict as little pain as possible. There are cases, no doubt, in which the infliction of pain becomes unavoidable from necessity; the case of the public officer to which I have alluded, for instance, and others of an analogous character. But this general rule should, in my opinion, be strictly adhered to and observed, — that no pain should be inflicted gratuitously. The stronger our clam of privilege may be, and the more incontestable our right, the more urgent and imperative it is upon us, and the greater it is our duty, to see that no injury be done to individuals. I am sure that that is a rule which all will be unanimous in affirming. I do not mean to enter on the discussion of the Bill before the House, as the Noble Lord has agreed to take it on a future occasion; and I shall reserve what I may have to say until then. I rose merely to show to Honourable Members near me that the privilege of this House has been exercised, as far as I was concerned, with every delicacy to character and person; and I wished to place on record my own conduct and sentiments in respect to the main question.

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LORD J. RUSSELL. — I shall certainly give my most serious attention to the suggestions of the Right Honourable and Learned Member for Ripon; but I think it is much better not to enter on their discussion at present. It is a very important subject to which they refer;

caused an increase, as compared with 1836, of nearly 3,000,000*l.* for the present year. The House is now called on to vote 137,232 men for the army, navy, and ordnance; and I should like to know what are the grounds on which we are asked to grant such a great increase. I think it is the duty of her Majesty's Ministers to explain this to the House, in order that we may see why we are required to create so large a drain on the public resources. I always find that, when the estimates are before the House, the heads of each department are anxious to have their own votes as high as possible; there appears to be an *esprit du corps* amongst them, which induces each to wish to have his own establishment as high in the scale as it can be pushed. It is, however, of the utmost importance to the country that we should ascertain why so large an establishment is to be supported during a time of peace. In my opinion, the country should not be called on to support an establishment greater in amount than that which existing circumstances may require.

If we compare the establishments of this year with those of 1822, when the Duke of Wellington was in office, we shall find a vast increase; although it was proved, in a Committee up-stairs, that, in time of peace, we might reduce our naval establishment to what it was in 1792. There were, in 1792, only 16,000 men voted for the navy; and the whole army, navy, and ordnance for that year was only 65,000 men. It is therefore our duty to be satisfied that there is some good reason for the increase. What are the principal reasons assigned for this increase? It has been said, that part of it was caused by the disturbances in Canada; but that cause has ceased to exist; for peace now reigns in Canada. We shall require no troops in Canada, if we allow them to manage their own internal affairs; and we should thus be saved the expenses of 15,000 men. There has, I understand, been a message sent from the President of America, containing a proposition, which, if assented to, will, in all probability, produce a settlement of the question; and, if that question were settled, I do not see that we could require this great number of troops now in British America. We shall not require troops in Canada, if we allow the people of that portion of our empire to manage their internal affairs. Formerly, the disturbances in Ireland were assigned as a cause for keeping up a military establishment; but that cause exists no longer, for Ireland has changed places with England, and is now perfectly tranquil. Regiments have been removed from that country, and they can spare more regiments. And what, let me ask, has produced this change? The Government have shown an inclination to do justice to Ireland, and the Irish people place dependence upon them. Nothing more was wanted to produce tranquillity in Ireland but an inclination to do justice to the people. Then, there are no disturbances in England; for I look upon that which took place at Newport as merely an accidental occurrence. I wish to know why the Noble Lord requires such a mass of troops in this country? It can only be because the people are dissatisfied to a very considerable extent. This dissatisfaction arises from the feeling that they do not experience justice at the hands of their rulers; and the fact is, that such numerous military forces are maintained to keep down the people. The Noble Lord has, now, the benefit of steam-boats and railroads to facilitate the movements of the military in the three kingdoms; so that 5000 men could be rendered as effective now as 15,000 were in the time of the Duke of Wellington's government. We could now send troops 100 miles in a few hours by the assistance of railroads; and these greater facilities of moving our military force are, in my mind, a sufficient reason for a comparative reduction. Besides the amount of our army, there is a force in Ireland of 9000 men, who are quite as efficient a body as the military; and we have, in London, 4000 men, who are just as much military as any other body of men. In addition to these, we have a police force in Bristol, Liverpool, and other towns which did not formerly exist; and all these form additional reasons why we should not require so large a military establishment as formerly. We are, I fear, going on too like a spendthrift, who is regardless of the means of paying the debts he may incur, and who becomes more careless as he becomes more involved. I hope the Noble Lord will not forget those principles of economy and retrenchment which we heard of when he was in opposition; for I have no doubt that, if we go on increasing our expenditure in this way, the Noble Lord will find that, so soon as his difficulties increase, Honourable Gentlemen on the opposite side of the House will not neglect to point out to the country the extravagance which has produced those difficulties. I must say that, during the whole time I have been in Parliament, I never recollect so extravagant a military establishment. I shall insist upon hearing the reasons assigned for this enormous increase; and I shall take the sense of the House by a resolution, proposing a reduction of the amount of the military establishment, if my questions respecting this enormous outlay be not satisfactorily answered.

COLONEL SIBTHORP. — I have heard the same speeches and charges from the Honourable Gentleman, against all Governments, for the last twenty years; but, although the Honourable Gentleman has been particularly severe on the present Ministers, he has never ventured to make any effective motion to turn them out of office. On the contrary, he has been satisfied to sit down, after speaking till he was tired against them, and then voting black was white in their favour, in the teeth of his own statements and calculations. Certainly, the present are the most ignorant set of men I ever saw in office; and, if it were not for the able and efficient gentlemen who fill the offices of their clerks, they could not get on, and the Government would, I am confident, be brought to a standstill.

LORD J. RUSSELL. — I shall not attempt to reply to all that the Honourable Member for Kilkenny has stated; for, as the Gallant Colonel has truly said, we hear from him the same speech every year. The Honourable Member has gone over the old ground of exhibiting the deficient state of the revenue; and argued that, having ascertained that point, we ought to conform our expenditure to it,—without considering what the necessities of the nation may require in respect to its various and important relations aud obligations. I think he ought, in consistency, to have made these charges some nights since, on the subject of the navy estimates, which showed an increase of *400,000l.*, instead of bringing them forward on these army estimates, which exhibit 30,000*l.* reduction, as compared with the amount for the past year. Yet the tone of the House, on that occasion, was to blame Government for not asking more! I stated, in August last, the reason for that augmentation of which he complains; and it met with very general concurrence, in consequence of the very general excitement existing, and the necessity for affording protection to person and property. Certainly, things are better now; although I cannot agree with the Honourable Member, that what happened in Newport was quite accidental, or that it should be taken as a sample of the general dissatisfaction existing through the country; but, if it were, that argument would be a bad one to urge as a ground for reduction. The inference he draws from the state of Canada is equally unfortunate for his argument; for the demand of the party whose claims he advocates was, virtually, the establishment of a French republic in Canada,—a party whose violent proceedings it was necessary to resist by force. I felt no hesitation, at that time, in recommending that course to be pursued; and this House, in pursuance of that policy, granted the forces, which have, alone, enabled us to keep those provinces in subjection to the British Crown. I regret that a number of regiments have now been in Canada, some of them eleven, twelve, and thirteen years, absent from their native country, contrary to the rule of the service, which is, that they should return in ten years; but the large number abroad has prevented the system of relief being carried into proper effect of late. However, my Honourable Friend at the head of the war department has proposed a plan, by which we expect that this desirable object can be attained in future with greater regularity, and which I am sure nobody will oppose. The Honourable Member for Kilkenny appears to have been misled, by the newspapers, respecting the boundary question. The facts are, that my Noble Friend, in the course of the last season, sent a communication on the subject to the Government of the United States, and received in reply a project of their own, containing several different propositions. About the same time, gentlemen had arrived there to make a survey of the whole boundary. They have now completed their work, and are drawing up their Report. As soon as it is completed, an answer will be given to the American Government. The subject of encroachment by the citizens of the State of Maine is quite a different question, arising out of the proceedings of those very disorderly gangs of persons that rove about the frontiers, which have not been decided on as belonging to either party. This state of things has led to the necessity of making some provision for the protection of the road by which our troops move to and from New Brunswick and Canada; and the result of which precautionary measures has been, that the disturbances alluded to will not be likely to occur again; and I expect my Noble Friend will be able to show, in his place, and I trust that this House will be fully convinced, that, in every department, and on whatever service Her Majesty's forces have been employed, nothing has been neglected, either for the honour, welfare, and efficiency of the service, or for the proper maintenance of the power, the interest, and the dignity of the empire whose banner they defend.

Question, "That the Speaker leave the chair," put, and agreed to.

ARMY ESTIMATES.

The House went into Committee of Supply on the Army Estimates.

Mr. MACAULAY. — Sir, my Noble Friend has relieved me from the necessity of making some remarks which, otherwise, I should have thought it necessary to offer on the speech of the Honourable Gentleman the Member for Kilkenny. I will therefore, at present, only say, that I think any person who has heard that speech, and who was acquainted with the previous transactions of the country, would have been very slow to believe that the military establishment proposed for this year is actually lower, both as to men and charge, than that in favour of which the Honourable Gentleman himself, only last August, both voted and spoke. It was only on the 2d day of August last, that my Noble Friend came down to this House to propose a supplementary estimate of 75,000*l.*, and an addition of 5000 men to the army, and that the Honourable Gentleman declared that he would not take upon himself the responsibilty of refusing to the Ministers of the Crown those men, and that sum of money, which they declared to be necessary for the preservation of peace, and for the honour of the state; and I should be glad to know whether those same arguments, which have been used this evening, might not have been urged, with equal effect, in August last? All that the Honourable Gentleman has said, this night, about the refusal of justice to Canada,— all that he has said about the people of this country, — all that he has said about the condition of the people of Ireland, — might have been said, with exactly equal propriety and effect, on the 2d of August, last year. I conceive, therefore, that at all events, in bringing forward the estimate which I have now the honour to lay before the House, I cannot be considered as liable to the charge of profusion, if the Honourable Gentleman himself is acquitted of it. The estimate brought forward, last year, by the Noble Lord the Member for Northumberland was 6,119,068*l.*; to that sum, in August, 75,000*l.* were added, making the whole charge, last year, 6,194,068*l.* The whole charge of this year is about 30,000*l.* more. This is, unquestionably, a considerable addition; but, of that addition, the greater part has been made for Indian purposes; and will be defrayed out of the Indian revenues. The whole force for which the estimate was taken in February, 1839, including the force for India, amounted to 109,818 men. The present establishment amounts to 121,112 men. The additional force is 11,294 men; but, of this force, 7206 men are employed in the defence of our Indian empire, and are charged upon the revenues of that country. There remains, therefore, an increase of 4088 men. 5000 men, I believe, was the addition for which the Honourable Member for Kilkenny voted last August; and the additional force we propose, this year, amounts to 4088 men. I may, perhaps, be permitted to state the mode in which this addition is made; because, in doing so, I shall most conclusively refute the invidious insinuations of the Honourable Member for Kilkenny. About 500 men have been added to the army, in order to increase the colonial branch of it. Three companies, amounting to 33 men each, have been added to the West Indian Regiment: About 100 men — I think 102 — have been added to the establishment at Malta. The necessity for this addition has been made out to the Government by the local authorities, who have represented that it is necessary both for the duties of the garrison and of the coast guard. A small militia force, if it may be so termed, has been raised at Bermuda, as it is thought desirable that a portion of the youth of Bermuda should be formed into a separate force, in the hope that they may learn, in company with the best troops of England, the very best system of military discipline; so that, after being accustomed, for a short time, to military discipline, in the course of a few years, the Bermudians will constitute a population almost every man of which will be able to use arms with effect whenever the public service may require his aid. In this manner we have made an addition of about 500 men. The remaining addition has been made in this way: — to every one of the eighty-one battalions of infantry in the United Kingdom has been made an addition of 65 men; thus raising every one of these battalions from 835 men to 900 men. These 65 men are composed of 4 sergeants, 4 corporals, and 57 privates. To every one of the twenty battalions which were, at the beginning of last year, in India, has an addition been made of 250 men; raising the force of those battalions from 853 men to 1103 men each; and, lastly, two battalions, of

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ore, to take upon account a sum of
000l., to meet the expenses of such a
orps. The precise plan is not yet ar-
anged; but it is desirable, before the
House assembles again, that the Govern-
nent should have the means of accom-
lishing this object. The whole charge
or the land force, then, is 3,511,870l.;
he whole amount voted last year, with
he supplemental estimate of 75,000l.,
vas 3,496,383l., being an increase, this
ear, of 15,487l.

I now come to the staff. On the home
taff there is a slight increase, occasioned
y the necessary presence of a greater
umber of medical officers receiving addi-
ion pay at home this year than last; but
hen, to balance this, there is a decrease
n the estimate for the foreign staff, a
maller number of medical officers being
equired abroad. The total increase is
bout 550l.; and, in explanation of this
ncrease, I should state that it is princi-
ally owing to the peculiar situation of the
wo provinces of New Brunswick and
ova Scotia. The Government has thought
hat, in the peculiar position of those
rovinces, the command which has hi-
herto been considered as a major-gene-
al's, should be henceforth considered as
lieutenant-general's command. That is
position calling upon the officer for the performance of additional duties; it is a position of great responsibility, and one requiring to be held by a man of talent and firmness; and the Government therefore proposes that the officer in command should be placed on the staff pay and allowances of a lieutenant-general. For staff contingencies, the increase is almost entirely confined to Canada and Jamaica; and why it has increased in Canada, I need hardly explain. This part of the estimate is framed in this way: the general estimate being framed from the actual expenditure of the last year, of course, with respect to remote colonies, the estimate annot be framed upon the expenditure of
e year which has just expired; and,
equently, in these cases, the estimate
9 had to be framed upon the ex-
re of 1837; and the estimate of
0 upon the expenditure of 1838; and when Honourable Gentlemen remember how great a change has been necessary in the military establishment of Canada, between the years 1837 and 1838, it is impossible that the increase under this head of staff contingencies can create any surprise. As to Jamaica, the increase is owing to the refusal of the House of Assembly to vote those items of expenditure which have always been so much treated as matters of course that they have not before been included in the estimates; but, if I am rightly informed, there is no reason to expect that that difficulty will occur again. The total charge for the staff last year was 155,359l.; the estimate for the present year is 164,740l.; making the increase for the present year about 9000l. With respect to the allowances to the principal officers of the public departments, there is a small increase, arising from the progressive increase of salaries of clerks, and from a circumstance indicating economy rather than extravagance. As to the Royal Military College, I have nothing to say; as that department defrays its own expenses. With regard to the Military Asylum, there is a decrease in the estimate of this year, as compared with that of the last. The estimate of last year amounted to 17,486l; the estimate for the present year is only 16,701l.; making a diminution of 785l. The charge for the volunteer corps, last year, was 79,137l.; the estimate for the present year is 92,993l. The difference which exists between the estimates for the two years is on account of expenses actually incurred in employing the yeomanry in aid of the civil power; and the House, I am sure, will grant that sum with the greatest readi-

would; for it appears that, in one regiment, instances of theft have occurred, which had been previously wholly unknown. In consequence of the high price of provisions in these colonies, therefore, I have added to the estimate of 240,000*l.* for provisions, forage, and fuel, — "for money allowances and contingent expenses in the colonies, this sum of 5000*l.* There are in these estimates, also, three charges which are perfectly new. The first is 3500*l.* for schoolmistresses. I have no doubt that some Honourable Members will smile at this charge; and I was not made aware, till a few weeks ago, of its necessity. Accounts have been received at the War Office, that schools have been formed in several corps by subscriptions among the soldiers. Upon inquiry, it has appeared, to my great surprise, that the number of female children accompanying our regiments of the line, is not less than 10,000. Now, these children are, in a most emphatic sense, the children of the state. For the public service, they are hurried along with their parents from place to place, — whether from Malta to Gibraltar, from Gibraltar to the West Indies, or from the West Indies to Halifax; and I think they have a powerful claim upon the country for a small sum for their education, to enable them, when they are of age, to earn their own bread. I have considered that a small allowance for schoolmistresses, who might be chosen, probably, as they hitherto have been, from the wives of any sergeants who might be capable of instructing the female children of soldiers in reading, writing, and needlework, and the rudiments of common knowledge, with such simple precepts of morality and religion as a good plain woman of that rank might be supposed to be able to impart, would not be refused by Parliament.

The other two charges to which I wish to call the attention of the Committee may, perhaps, require a further explanation. The first is, 10,000*l.* for a veteran battalion, to be formed for service in Canada, in which colony desertion has been carried to a great extent. About six years ago, an inquiry was made into this subject; and the result was, that, there being then only about 2500 rank and file in Canada, the number of desertions within three years and a half was 650; the whole number of desertions from the whole British army during the same period being no more than 2240. These desertions have not been confined to bad and disreputable characters; for, in many instances, non-commissioned officers and men of respectability and good conduct have deserted. Nor is this system of desertion to be ascribed to distress; for many men have gone away, leaving behind them their necessaries and arrears of pay. But why desertion should take place more frequently in North America than in any other part of the empire it is by no means difficult to explain. In this country, the situation of the soldier is as comfortable as — I may almost say, more so than — that of the labourer, to which class, generally, the soldier has originally belonged. In many of our colonies, physical difficulties oppose themselves to flight; and desertion is, consequently, rare. When in Malta, the soldiers are surrounded by the sea; when at the Cape, they can only escape from their quarters to fly to the dwellings of savages; and as to India, I can imagine no situation more miserable than that of a deserter in that country, wandering amidst its vast regions, amongst people of a strange race and colour, and his footsteps constantly pursued by the power of British law. But with respect to the American colonies, the case is widely different. There the facilities of escape to the United States are many, and the temptation strong. The soil is rich and bountiful, and the wages of labour are high. The consequence is, that high wages, but still more the exaggerated representations that are put forth of the ease and luxury enjoyed by the labourer in America, have constantly drawn away our soldiers from Canada. Several plans have been proposed for meeting this evil. It has been proposed, and, I think, wisely, that Canada should be the last point in rotation to which our troops on colonial service should be sent. There would then be a great number of men with additional and good-conduct pay; and those higher advantages would tend to keep the men faithful to their colours. It has, also, been thought that advantages would arise, and the temptation to which I have adverted be counteracted, if the Government were to hold out to the oldest and most tried of the troops in Canada a sort of military retirement, which should serve as a reward to those who had remained faithful to their colours. Such was the opinion of my Noble Friend the late Secretary at War, as well as of Lord Seaton; and I have reason to believe that that opinion is generally entertained amongst those who possess the best information upon the subject. The precise details of the plan, however, have not yet been made out, and much correspondence must take place before it can be produced; but as it is not improbable that, before the House again assembles, some regiments will be removed from Canada, it will be desirable that some men of good character should be induced to remain there, in order to form a nucleus for future arrangements, in connection with this scheme. On these grounds, and for this object, I am induced to ask the House for the additional grant of 10,000*l.* on account. I also ask for a sum of 5000*l.* on account, for the purpose of forming a corps for service in St. Helena — a place which requires to be defended not according to ordinary system. From communications with military men, we have found that it is not necessary to place a whole battalion there; and if, on the other hand, we divide it, and station only a portion of it there, all military men concur in saying, that to do so seriously injures the whole battalion in point of discipline and efficiency. The 91st Regiment has been divided in that way; and, from the Horse Guards, we have received the strongest assurances that that course is found most injurious to the efficiency and discipline of the regiment. Under these circumstances, I therefore see no choice left for us, but to establish some peculiar force for this peculiar service. I consider that St. Helena requires a peculiar force; and I propose, therefore, to take upon account a sum of 5000*l.*, to meet the expenses of such a corps. The precise plan is not yet arranged; but it is desirable, before the House assembles again, that the Government should have the means of accomplishing this object. The whole charge for the land force, then, is 3,511,870*l.*; the whole amount voted last year, with the supplemental estimate of 75,000*l.*, was 3,496,383*l.*, being an increase, this year, of 15,487*l.*

I now come to the staff. On the home staff there is a slight increase, occasioned by the necessary presence of a greater number of medical officers receiving addition pay at home this year than last; but then, to balance this, there is a decrease in the estimate for the foreign staff, a smaller number of medical officers being required abroad. The total increase is about 550*l.*; and, in explanation of this increase, I should state that it is principally owing to the peculiar situation of the two provinces of New Brunswick and Nova Scotia. The Government has thought that, in the peculiar position of those provinces, the command which has hitherto been considered as a major-general's, should be henceforth considered as a lieutenant-general's command. That is a position calling upon the officer for the performance of additional duties; it is a position of great responsibility, and one requiring to be held by a man of talent and firmness; and the Government therefore proposes that the officer in command should be placed on the staff pay and allowances of a lieutenant-general. For staff contingencies, the increase is almost entirely confined to Canada and Jamaica; and why it has increased in Canada, I need hardly explain. This part of the estimate is framed in this way: the general estimate being framed from the actual expenditure of the last year, of course, with respect to remote colonies, the estimate cannot be framed upon the expenditure of the year which has just expired; and, consequently, in these cases, the estimate of 1839 had to be framed upon the expenditure of 1837; and the estimate of 1840 upon the expenditure of 1838; and when Honourable Gentlemen remember how great a change has been necessary in the military establishment of Canada, between the years 1837 and 1838, it is impossible that the increase under this head of staff contingencies can create any surprise. As to Jamaica, the increase is owing to the refusal of the House of Assembly to vote those items of expenditure which have always been so much treated as matters of course that they have not before been included in the estimates; but, if I am rightly informed, there is no reason to expect that that difficulty will occur again. The total charge for the staff last year was 155,359*l.*; the estimate for the present year is 164,740*l.*; making the increase for the present year about 9000*l.* With respect to the allowances to the principal officers of the public departments, there is a small increase, arising from the progressive increase of salaries of clerks, and from a circumstance indicating economy rather than extravagance. As to the Royal Military College, I have nothing to say; as that department defrays its own expenses. With regard to the Military Asylum, there is a decrease in the estimate of this year, as compared with that of the last. The estimate of last year amounted to 17,486*l*; the estimate for the present year is only 16,701*l.*; making a diminution of 785*l.* The charge for the volunteer corps, last year, was 79,137*l.*; the estimate for the present year is 92,993*l.* The difference which exists between the estimates for the two years is on account of expenses actually incurred in employing the yeomanry in aid of the civil power; and the House, I am sure, will grant that sum with the greatest readiness, from a knowledge that, in all the trying scenes in which they have recently been engaged, the yeomanry have not only acted with their usual valour and public spirit; but that not a single instance has occurred of undue rigour or severity on their part. The whole estimate for the effective service of the last year, then, is 3,807,073*l.*; that for the present year is 3,846,450*l.*; showing an increase of 39,377*l.* As to the non-effective estimate, there is, I am happy to say, on every head, a reduction. On that of rewards for services, the reduction is, certainly, small; and I rejoice that it is so, as I wish that every farthing should be paid of that estimate. The amount last year was 16,042*l.*; for the present year it is 15,815*l.*, leaving a decrease of 227*l.* The unattached pay of general officers was, last year, 102,000*l.*, and for the present year it is 92,000*l.* The decrease of that estimate is, therefore, 10,000*l.* The number of general officers who have died, receiving that pay, is fifteen; the number who have been promoted to regiments, nine. The following branches of these estimates will speak for themselves: —

Full pay for retired officers, —	
Estimate for the last year .	£57,000
Estimate for the present .	53,500
Decrease . . .	3,500
Half pay and military allowances, —	
Estimate for the last year .	517,000
Estimate for the present .	505,500
Decrease . . .	11,500

The number of persons receiving was 144.

Foreign half pay, —	
Estimate for the last year .	67,204
Estimate for the present . .	63,608
Decrease . . .	3,596
Widows' pensions, —	
Estimate for the last year .	143,942
Estimate for the present .	142,984
Decrease . . .	958
Compassionate allowances, —	
Estimate for the last year .	131,800
Estimate for the present .	127,300
Decrease . . .	4,500

Of the Chelsea pensioners, the number who have died is 1000. There is a balance remaining of 17,000*l.*, and a reduction, in the estimate for the present year, of 33,367*l.*; the estimate for the last year being 1,308,007*l.*, and, for the present, 1,274,640*l.* The superannuation allowances have been reduced from 44,000*l.* to 42,030*l.* The estimate for the non-effective charge, then, amounted, last year, to 2,386,995*l.*; the estimate for the present year is 2,317,347*l.*; — the whole diminution, therefore, being 69,648*l.* And now, Sir, before I put this vote, I wish to say a few words in answer to some of the observations of the Honourable Member for Kilkenny. I know how zealous that Honourable Gentleman has ever been in supporting all measures which are favourable to popular rights, and how adverse he is to extravagant expenditure; but I feel convinced that he never in his life gave a vote which was more favourable to civil liberty, than when he voted, last August, for the addition of those 5000 men, by which he now wants to see this vote diminished. Although I think that unnecessary taxation is, certainly, a great evil, yet I do not think that there can be any evil in a country of such magnitude as those disturbances which have so recently shaken the national credit, disturbed industry, and put in danger the peace of the empire. I do not believe that any pressure of taxation ever bowed down the people in the way the evils of the recent state of things in some parts of the country have done. I am no alarmist; — I have never thought but that, if any great crisis should arise, there would be found in this country those, who, marshalled on the side of law and order, would put forth their exertions, and, without considering the matter in a vulgar pecuniary light, would not consent to give up this great country to a body of freebooters. I have always been of opinion that the nation, celebrated, as it justly is, for its wealth, for its industry, for the manufacture of fabrics sent forth to all parts of the world, would not, without a powerful struggle, surrender itself into the hands of men elated by extravagant hopes; but, at the same time, when I consider the wealth of our great cities, I cannot say that it is utterly impossible that a mob, exacerbated and infuriated by dishonest leaders, might inflict calamities that might lead to a crisis which the ingenuity and good fortune of years could scarcely succeed in effacing. Once, Sir, and once only, has this great metropolis been abandoned to the power of a mob, who, for a short time, showed themselves to be stronger than the law; and that was on the occasion of the "No Popery" riots in the year 1780. It is a matter of history that, at that time, a sum was awarded for compensation for injuries done in one single street, greater in amount than that which was voted, last year, for the additional 5000 men. Looking at these facts, therefore, I repeat that the Honourable Member for Kilkenny has never given a more economical vote than he did in the month of August, last year. I have seen a just and approved remark of Dr. Adam Smith, that, though a standing army is hostile to the general liberties of the people, still that, under proper modifications and checks, and being well disciplined, a standing army affords to the magistracy, in certain exigencies, the only means of keeping and maintaining the peace. I do not quote the precise language of the author I refer to; but I believe he says the soldiery form the only restraint upon licentiousness; and I think the justice of the remark has been proved by the experience of the past year. The course open to the Government, during last year, was, either to increase the military force, or to revert to that policy which, in times of less danger, was tried by the Governments of Mr. Pitt and Lord Liverpool. I must say, that whoever voted, last year, for the increase of our military force, voted in support of the Habeas Corpus Act, — voted for the perfect freedom of the press, — for the security of property, — for the right of the English people to meet freely, and to discuss the conduct of their rulers, — and for the general liberty of the country. Firmly convinced that the happiest effects have resulted from the course we pursued last year, — firmly convinced that the vote of August last was a vote on behalf of economy and civil freedom, and that nothing has since occurred which can justify Her Majesty's Government in relaxing their vigilance, or in consenting to part with any power which then was given them to maintain the peace and tranquillity of the country, — I shall place this vote in the hands of the Chairman with the strongest confidence that the Committee will assent to it.

[Cries of "Hear, hear!"]

I now beg to move, Sir, "That 93,471 men be voted for Her Majesty's land forces, for service at home and abroad (exclusive of those employed in the East Indies), from the 1st of April, 1840, to the 1st of March, 1841."

Question put.

Mr. HUME. — From the eloquent address of the Right Honourable Gentleman, one would almost have supposed that there were no troops at all in England before last August; for he seems to have overlooked, altogether, the 45,000 troops that we had at that period in this country. No doubt the Right Honourable Gentleman considers everything economical as vulgar, and that I am a vulgar person.

[Laughter from both sides of the House.]

But the Right Honourable Gentleman should also consider, that there may be such a thing as economy on the one side, and exaction on the other; and that, however economical a proposition may be, in the view of the Right Honourable Gentleman, that will ever be thought an exaction which is not congenial to the wishes of the people. I have recently seen an anecdote, in the published letters of Lord Dudley, in which the Chancellor of the Exchequer of the day (Mr. Vansittart) and myself, having been remarked standing together, were pointed out as "Penny-wise and Pound-foolish."

[Cries of "Hear, hear!" and laughter.]

But I would rather be penny-wise than pound-foolish, any day; and though the lessening of the public burdens may be, in the opinion of some Honourable Gentlemen, a pursuit low and vulgar, yet there may be times when the public mind will be directed to economy. I have received petitions lately from Rochdale, stating, that for the last thirty years distress has not been felt to so great an extent as it exists there, at present. The Duke of Wellington, with 68,000 men, maintained the peace of the country, and its honour, with certainly as much credit as the present Government; and yet the Right Honourable Gentleman and the Noble Lord ask the House for 90,000 or 100,000. In 1837 or 1838 there were only 81,000 men voted; and, supposing that number to have been sufficient then, what are the new circumstances that justify us in now increasing it? The Right Honourable Gentleman says, I voted economically in the vote I gave last year. In the state of the country, which was, at that time, alleged by the Government to be seriously disturbed, I did not refuse the vote demanded; but I added, at the same time, that, in taking that force which would remove as speedily as possible the discontent that prevailed, it was to be understood that it should be diminished as soon as that discontent had ceased. Has, then, that discontent ceased? If not, the Government, I say, is to blame: and, if it have, then the additional force of 5000 men is not wanted at all. I agree with the Right Honourable Gentleman, that it is a great misfortune when riots take place, or when any attempts are made at the destruction of property; and I consider any force which would prevent such disasters to be economical. The Right Honourable Gentleman and myself are both vulgar economists in that. But it should not be forgotten that, with 48,000 troops in the United Kingdom, and with the rapid means of transporting them which we possess at present, we have, besides, a large regularly established police. Is not this police establishment to serve for the maintenance of peace? and, if not, of what use is it, at all? I have ever defended a standing army, and I did so, at a time when the President of the Board of Control attacked it. I have an objection to volunteers and to yeomanry, because I think that sort of half-and-half soldiers are not of equal use with a regular military force: I think that ten regular soldiers are of more use than 100 yeomanry. The Right Honourable Gentleman has not, in my opinion, on the present occasion, made out any case why he should now have more men than were asked by the Duke of Wellington, when at the head of the Government of this country. Since 1837, 11,000 men have been added to the standing army; and no reason has been given for the present increase, except that it is necessary for the relief of the regiments. But that is an old story.

If the argument of the Right Honourable Gentleman — that it is good not to divide the force at St. Helena and the Cape — be well founded, why does he not put an end to the depôt system? My wish is, to bring back the establishment to what it was in 1837. There is, doubtless, great discontent in England; but let the Government repeal the corn laws; and that, it would be seen, would soon put an end to it. The Right Honourable Gentleman says that some great calamity might have occurred, and that the liberty of the country might have been endangered. But, if he wants a military support for the liberties of the country, why does he not ask at once for 500,000 men? As no explanation, Sir, has been offered, either by the Right Honourable Gentleman or by the Noble Lord, why the number of men now asked should be greater than in 1837, I shall propose, as an amendment, that the vote be for 81,319 men.

Mr. WILLIAM WILLIAMS. — I have great pleasure in seconding the amendment.

Question again put.

GENERAL SHARPE. — The Honourable Member for Kilkenny, Sir, may have been "pound-foolish" when he voted for the supplementary increase of 5000 men last August; but I think he has shown evident symptoms of being "penny-wise" on the present occasion. The Honourable Gentleman, I know, considers, and has said, on many occasions, that Members of this House, who happen to be military and naval men, are not to be trusted in matters that relate to any increase or diminution as to their respective professional establishments. Be that as it may, Sir, I am, I believe, the oldest officer in this House; and I may, perhaps, on that ground, be allowed to say, that I have ever acted on this single principle,—that whenever it is pointed out to me, by those most competent to know it, what amount of force is necessary for the preservation of the peace and tranquillity of the country, — for that force I vote. The Honourable Gentleman says, that 10 regular soldiers are of more use than 100 yeomanry; and also that, because we have a large police force, we have no necessity for so many soldiers as are now required by the Government. But will the Honourable Gentleman allow me to ask him whether, — with all deference to the great general utility of the police force, — when matters come to extremities, that body is able to do the thing at all?

My opinion is, that if this country do not keep up a sufficient military force, the risk and danger she runs are great, and that it is very foolish to attempt to stop this vote, for the sake of saving the expense of a few thousand men. There are many parts of the kingdom in which — and I may mention my own neighbourhood among the number — there are great outcries, in consequence of the small number of troops stationed there; and I cannot but consider that I should be guilty of injustice to the country, if I were not to give my vote in favour of the amount of men now proposed by the Right

Honourable Gentleman the Secretary at War.

LORD VISCOUNT HOWICK. — So far, Sir, from agreeing with the Honourable Member for Kilkenny, that the number of men now asked is too large, I must say, I think it is too small. I cannot avoid apprehending that the means provided are hardly sufficient to diminish the severe pressure of service which I know to be felt at present by the infantry of the line. Throughout the whole of my tenure of office, I considered this subject to be deserving of the greatest attention, and I frequently impressed upon the Government the necessity of taking decided steps to improve the condition of that portion of the army. I feel, I confess, some disappointment in one or two other respects. I regret that any more correspondence should be required before the proposed veteran force in Canada can be established; and I had also hoped to have heard that some further increase of the black troops in the West Indies had taken place. Experience has shown, and inquiry proved, that the mortality which occurs amongst the British soldiers in our West Indian colonies is of a most frightful magnitude; and there seems to me no other mode of effectually meeting that evil than by some further increase of the black troops in those islands. I cannot perceive, if neither of these measures is to be adopted, and if, as I understand the Right Honourable Gentleman the Secretary at War, no modification of the existing system of depôts is to be made, how, consistently with the demands of our colonial service, he Right Honourable Gentleman will be able, during the present year, to provide hat relief which, in fairness and in justice o the British army, ought to be afforded. The Right Honourable Gentleman stated hat the greater part of the troops in Caada have been there for eleven or twelve years; and yet he says it will not be posible to remove more than one regiment his year. With respect to the general tatement of the Right Honourable Geneman, I think it was highly satisfactory, lthough, at the same time, I certainly ad hoped that, upon the two points I ave alluded to, something more would ave been done.

SIR ADOLPHUS DALRYMPLE. — merely rise, Sir, to say, that I think, with the exception of the increase of the rmy, which was made last year, to the mount of 5000 men, nothing could be learer than the statements and explanations of the Right Honourable Gentleman. I cannot, however, understand why the Right Honourable Gentleman should require a greater army than the Duke of Wellington considered it necessary to keep up when his Grace was at the head of the Government.

Mr. PHILIP HOWARD. — I do not think that the Duke of Wellington entertained the same view as the Honourable and Gallant Gentleman opposite of the force of the country at the time the increase referred to was made; and it certainly does not correspond with an expression which he made use of about the same time,— and which I need scarcely recall to the recollection of the Honourable and Gallant Gentleman, — namely, that "a great country could not have a little war." With respect to what fell from the Honourable Member for Kilkenny, as to the military force now asked for not being required, in consequence of the great improvement that has of late taken place in our police establishments throughout the country, the Honourable Gentleman should recollect that barely six months have elapsed since the Rural Police Bill passed; and it cannot be expected that it can have produced any very great or beneficial effect in so short a period. I hope, then, that the Honourable Gentleman, when he considers the great increase that has taken place of late years in the population of these kingdoms, will, at least, allow to the Government the credit of considering that the increased military force they have asked for, is required. At all events, I am sure that, whatever are the opinions of the Honourable Member for Kilkenny, the country will not quarrel with the number of men now proposed.

SIR H. HARDINGE. — I consider, Sir, that the statement which has been made to-night ought to be very convincing to the House that the force which was moved for on the 2d of August, last year, was absolutely necessary for the service of the country; and I would beg to remind the Honourable Member for Kilkenny, when he talks of our forces being more than sufficient for present necessities, that in one quarter alone, — in Canada,— instead of 9 battalions of the line, for the performance of the ordinary duties in time of peace, we have there, at this moment, 19 battalions of the line; showing, in one quarter alone, an addition of 10 battalions of the line. The Right Honourable Gentleman the Secretary at War has stated that 2 battalions have been transferred to India; so that, instead of 20 battalions, we have now 22 battalions in India. This accounts at once for the chief difficulty under which the service is labouring, — namely, the impossibility — for such I may almost call it — of relieving the troops, in the rotation laid down.

The Right Honourable Gentleman has properly stated that the rule laid down is, that the troops abroad should remain there ten years, and those at home five years. But what is the state of things at present? The Right Honourable Gentleman has very fairly informed the House that many battalions in Canada have been eleven, twelve, and even fourteen years out of the country; and some of those in India, seventeen, eighteen, and twenty years abroad. Exclusively of these facts, let the House observe the state of the battalions at home whose turn it will be to relieve those abroad. At this moment there is not one, out of the twenty or twenty-one battalions in this country, which has been in England more than four years! It is therefore almost impossible to afford the required relief to battalions upon foreign service: and I confess, I think that this additional force of 5000 men is very useful in having enabled Her Majesty's Government to bring home three or four battalions of the line. I also think that the arrangement now existing, and which was proposed by the Duke of Wellington in 1825, respecting the division of the battalions, is the most efficient that could be adopted. With regard to an increase of the black troops in the West Indies, as suggested by the Noble Lord, I conceive that to be a question which cannot be fairly discussed in this House. That is a question not even for the Secretary at War or the Commander-in-chief, but for the Secretary of State for the Colonies, who alone can judge whether the state of the West Indian population is such as to enable us to maintain, with safety, a black corps in those colonies. It is a question which the Secretary for the Colonies will do well to take time to consider before he makes up his mind upon it. Now, Sir, with respect to the present battalions in Canada. When the Right Honourable Gentleman talked of the numerous desertions from them, he ought to have mentioned, at least, one noble exception; — that from the Guards, during two years, there has not been a single desertion. I think, as a set-off, the Right Honourable Gentleman ought to have stated that they have conducted themselves in the most irreproachable manner.

CAPTAIN BOLDERO. — I think the greatest credit is due to the troops generally, considering the positions and the exigencies in which they are sometimes placed. I may mention, as an instance, what has recently occurred at Newport. Several of the soldiers were billeted at small public houses, where they had to associate with the most discontented characters in the district; drink was offered them, and attempts were made to induce them to swerve from their duty; but, under all the temptations which were held out, they remained firm in their allegiance. I believe that in no troops in the world can such confidence be placed as in British troops. Now, what would have taken place in France under such circumstances? If a body of troops had been ordered to Lyons, and sufficient accommodation could not have been afforded them in that place, the French Government would sooner have depopulated a village than have allowed the men to remain in the town on billets. Sir, with respect to the duty imposed on the troops, I wish to remind the House that they are, now, on duty every other night; and that the wear and tear of the constitution is so severe as to be most prejudicial to the service. I wish, also, to state, that they are not sufficiently protected by the Government; for, on a recent occasion, where a soldier was maltreated by a large body of Chartists, the Government determined not to prosecute; but said "that that must be done by the county." I think the Government ought to have instituted a prosecution in such a case, and not to have left it in the hands of any other persons. I shall give my decided opposition to the amendment of the Honourable Member for Kilkenny; and I have not the least doubt that almost every Member in the House will vote against it.

Mr. HUME. — Really, Sir, with respect to the remark of the Gallant Captain, I would beg to observe, that the duty of the troops is unnecessarily severe, and that the number of sentries might be greatly reduced. At the present time, there are upwards of 600 in London. Now, I would ask any Honourable Member whether 200 would not be amply sufficient, considering that we have about 4000 police officers. The people are so obedient to the civil authorities, that I am quite convinced we might safely withdraw a large portion of our military sentries. I consider the proposed increase enormous, and shall certainly divide the Committee on the subject.

The Committee divided on the amendment: —Ayes 8, Noes 100; Majority 92.

AYES.

Brotherton, J.
Duke, Sir J.
Hector, C. J.
Rundle, J.
Turner, W.
Vigors, N. A.
Warburton, H.
Williams, W.

Tellers.
Hume, J.
Wallace, R.

NOES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Anson, Hon. Colonel
Archbold, R.
Bailey, J. jun.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Barry, G. S.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Briscoe, J. I.
Brownrigg, S.
Busfeild, W.
Clay, W.
Clerk, Sir G.
Collier, J.
Collins, W.
Curry, Mr. Serjeant
Dalrymple, Sir A.
Darlington, Earl of
Davies, Colonel
De Horsey, S. H.
Donkin, Sir R. S.
Douglas, Sir C. E.
Evans, W.
Fitzroy, Lord C.
Fort, J.
Gisborne, T.
Gordon, R.
Goulburn, Rt. Hn. H.
Greene, T.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hardinge, Right Hon. Sir H.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Herbert, Hon. S.
Hill, Lord A. M. C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Holmes, W.
Howard, Hon. E. G. G.
Howard, P. H.
Howick, Lord Visct.
Hutchins, E. J.
Jenkins, Sir R.
Kemble, H.
Labouchere, Rt. Hon. H.
Lincoln, Earl of
Macaulay, Right Hon. T. B.
Marshall, W.
Maule, Hon. Fox
Morris, D.
Norreys, Lord
O'Connell, John
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Philips, M.
Pigot, D. R.
Rich, H.
Rickford, W.
Roche, W.
Round, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Scarlett, Hon. J. Y.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Smith, R. V.
Somerville, Sir W. M.
Stanley, Hon. W. O.
Stock, Dr.
Sutton, Hn. J. H. T. M.
Tancred, H. W.
Troubridge, Sir E. T.
Turner, E.
Vivian, Major C.
Vivian, Right Hon. Sir R. H.
Westenra, Hon. J. C.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, Colonel
Wood, Colonel T.
Yates, J. A.

Tellers.
Stanley, Hon. E. J.
Tufnell, H.

Original question put.

LORD VISCOUNT HOWICK. — I wish to ask the Right Honqurable Gentleman, the President of the Board of Control, whether any change has yet been effected with reference to the pay of the British troops serving in India, so as to equalise the value of the coin issued in India, with its value in this country?

SIR J. C. HOBHOUSE. — I beg to inform my Noble Friend that no change has yet been made with respect to the payment of British troops in India; but neither myself nor the East India Company are at all to blame in the matter. We have long been aware of the necessity of making some equalisation of the pay of the soldiers in the different presidencies. There is, at present, a difference between the pay of men serving in the Bengal presidency and the pay received by men serving in the Bombay and Madras presidencies. The East India Company, with the entire concurrence of the Board of Control, are extremely willing to equalise that payment, although the equalisation will cost the Company not less than 45,000*l.* a-year. Yet, understanding that such a step is necessary, in order to prevent any jealousies that may arise, or to terminate any differences of opinion that may have already arisen, with respect to that payment, the Company are prepared to send out to India a despatch giving to the British soldier, serving at Bombay and Madras, exactly the same pay as that which is received by the soldiers serving in the Bengal presidency.

LORD VISCOUNT HOWICK.—I can assure the Committee that I am extremely unwilling to bring this subject under consideration at this time; but, with the views which I entertain upon the question, I feel myself compelled to say a few words in reference to it; because it so happens that, during the time I had the honour of holding the office of Secretary at War, I was anxious to bring the subject before the House, and deferred doing so in consequence of the discussions which were then going on. Perhaps I ought to take blame to myself for having allowed so long a time to elapse without bringing the matter forward; but I was constantly in expectation that the East India Company and my Right Honourable Friend would see the necessity of effectuating the change for which I contended. However, as they have not done so, and as I understand there is no prospect of this grievance being redressed, I am under the necessity of expressing my opinion; and I trust the House will concur with me in endeavouring to induce the East India Company, and the Right Honourable Gentleman, to carry out the change to which I have alluded. This is no question of the expediency of an equalisation of pay in the different presidencies. The simple point at issue is, whether it is fair or just that the troops in India shall be paid in rupees, calculated each at the value of 2*s*. 6*d*., when, in England, the rupee is only credited to the soldier at the rate of 2*s*. The British officer serving in India is required to receive the rupee as equal to 2*s*. 6*d*., and when it is sent to England he receives for it only 2*s*.; and often only 1*s*. 10*d*. When Lord William Bentinck was in India, he took a great interest in this question, and strongly condemned the injustice done to the British troops in that country, by the mode in which they are paid. That Noble Lord, in a paper which does equal honour to his heart and his abilities, has recorded his opinion that the pay of the troops ought to be issued, not at the nominal, but at the intrinsic value of the rupee. Sir Charles Dalbiac also informs me, in a letter which I hold in my hand, that the army complain much of the injustice done them in this particular. He says, that the troops with which he went to India were paid at the full rate before leaving England, but when they arrived in India, they were paid in rupees valued at 2*s*. 6*d*. each. Great dissatisfaction, consequently, prevailed; and Sir Charles adds, — "This was the only occasion, throughout a very long military service, wherein I found myself in a situation in which no British officer ought to be placed. I knew that there was justice in the remonstrance of the soldier, and I felt that I had not the power to afford him redress." Now, it appears to me that, in justice to our gallant troops, who have always distinguished themselves in whatever service they have been engaged, this serious grievance ought to be redressed. We have lately voted the thanks of this House to the troops in India; and while we have in this manner expressed our approbation of their gallant conduct, it is certainly our duty to see justice done them in a matter so seriously affecting their comforts. These troops have entered into a solemn contract to perform certain duties for a certain rate of pay; and as they are compelled to embark for India, and punished if they refuse obedience, it is absolutely incumbent on the House to see that they receive their pay according to the real value of the coin in which they are paid. Now, the real value of the rupee is not more, if sent to this country, than 2*s*., while it is often less. I can read the words of a despatch from Lord W. Bentinck, stating, "that while the soldier is required to receive payment of rupees, at the value of 2*s*. 6*d*., there is an official circular, issued by the East India Company in the upper province, declaring that a British shilling is equivalent to half a rupee; and I therefore think it a very great hardship that the troops should be obliged to receive the rupee as of the value of 2*s*. 6*d*." It seems to me that the case is perfectly clear and simple, and ought not to be confounded with the question as to allowances, from which it is perfectly distinct. Let the pay be issued according to the real value of the rupee; and, having agreed to that principle, then let such alterations be made with respect to allowances as economy and justice may require. I feel strongly upon this subject; and as I have been unable to get any assurance from the Right Honourable Gentleman that the change will be effected, and as I see no prospect of a change being made, I consider myself bound to call upon the House to express its opinion on the question; for it is but just, when we require the services of the troops in India, that we should insist on their receiving the full amount of pay to which they are fairly entitled.

Mr. MACAULAY. — I quite agree with the Noble Lord, that there has existed a grievance in reference to this matter, of which the troops in India have a right to complain; but I think the offer which has been made by the East India Company is a perfectly fair one. I believe the grievance complained of affects the troops in the Madras and Bombay presidencies only. Now, let us see what a soldier is entitled to on any station out of the United Kingdom. A private soldier is allowed daily a ration of one pound of bread, and one pound of meat, and 7*d*. a-day. In Bengal, the soldier receives a ration of a pound of bread and a pound of meat, and 8¾*d*. a-day, calculated at the false rate of exchange to which the Noble Lord has alluded, and being really equal to 7*d*. a-day. Besides this, the soldier, in the lower provinces, receives 1 rupee and 9 annas a-month, or 1¼*d*. a-day, for spirit compensation; while, in the upper province, he receives 2½*d*. a-day. Now, the royal pay warrant sent out by the Noble Lord himself gives the soldier 7*d*. a-day, and rations; and also an allowance of 1¼*d*. as spirit compensation. The soldier in India gets more, in fact, than he has a right to by the royal pay warrant. Therefore, there is no reason to consider, that, in Bengal, the soldier is worse off than in any other part of the world. I admit that there is a grievance as to the difference of pay; and we are prepared to remedy it. The East India Company is prepared to put all the presidencies upon the same footing as Bengal, and to give the troops in India 7*d.* per day, besides the usual rations and allowances, and spirit compensation. I think that proposal a perfectly fair one; and I am prepared to take any share of the responsibility which may be incurred, by carrying it into effect.

SIR H. HARDINGE. — I think the Committee cannot fail to be of opinion, after the statements made by the Noble Lord and the Right Honourable Gentleman opposite, that, up to a recent period, in consequence of a false exchange, there must have been something very wrong in the mode of paying the troops in India. I must say, in the first place, that the soldier is entitled to receive his pay according to the terms of the royal pay warrant, at the fair rate of exchange, and that it is unjust to make him receive a rupee at the value of 2*s.* 6*d.*, when it is only worth, really, two shillings, and when the civil officers are always paid according to the actual rate of exchange. The consequence of the present mode of payment is, that if a soldier is entitled to receive 10*l.*, he will get only 80 rupees; while, for the same amount of pay, the civil officer will get 100 rupees. Now, is it likely the troops can be satisfied with such an arrangement? The equalisation of pay in the three presidencies may be very desirable; but the question is, when the equalisation shall have been made, will they receive a proper sum? Why should the rupees be issued in false exchange to the soldier, and not to the civil officer? But then, the Right Honourable the Secretary at War says, that the soldiers are allowed a large spirit ration. When I was Secretary at War, I issued instructions that, instead of issuing this spirit compensation in kind, the soldier should receive it in money. This I considered to be a great improvement, and calculated to improve the condition of the soldiers. I am not now capable of entering into the details of this question; but I beg to remind the Right Honourable Gentleman, that it was proved, in 1832, by evidence, that great discontent existed among the troops in India, arising from the difference in the exchange? The question is this, — Is that false currency still to remain? and if so, another question arises, Is the soldier still paid at this rate, that the coin which he receives for two shillings and sixpence, everybody else shall obtain for two shillings? This is a grievance which ought not to exist. I have no doubt that the East India Company will act liberally towards the soldier; but I do not think the arrangement a wise one which leaves the soldier in such a state. This question has become exceedingly important, in consequence of what has fallen from the Noble Lord and the Right Honourable Gentleman; but, in the absence of the necessary documents, I do not see how we can now come to any satisfactory conclusion. It is no answer to the Noble Lord, to say, that there is to be an equalisation of pay in the three dependencies. We ought first to come to an arrangement, to make the payment to the troops in the same way as to the civil servants, — namely, at the real and true value of the money they receive. The Right Honourable Gentleman seems to consider this a question of compromise, but I contend that it is a question of right. I do not wish to see it settled more to the advantage of the soldier than of any other party; but settled it certainly ought to be. This question has been, for ten or twelve years, the source of discontent to the army; and I would advise the Right Honourable Gentleman, who, as Finance Minister, is in a position to protect the soldiery, as well as the public, to come to a settlement of it as soon as he possibly can.

Mr. MACAULAY. — I surely must have been misunderstood by the Right Honourable Gentleman. I did not recommend the smallest compromise. What I said was, that the soldier in Bengal receives more than the words of the royal pay warrant, give him. It is of no consequence by what name the money is called; and if we give the soldier a number of rupees in such proportion as to correct the difference in the value of exchange, it matters little what is the stipulated value of the rupee. The present offer of the East India Company is, to give the soldier a greater amount of silver and provisions than, by the terms of the royal pay warrant, he is entitled to. The real test is this —Does the soldier get as much pay and rations as by his contract he has a right to? The fact is, that although he receives the rupee at the rate of 2*s.* 6*d.*, he receives a greater amount of silver than he would receive at Jamaica, or any other station. I admit that strict justice ought to be done to the troops; and I contend that by the offer of the East India Company he will receive more than he is entitled to.

SIR H. HARDINGE. — I will illustrate my assertion by one fact. If a cavalry soldier wishes to purchase his discharge, he has to pay 30*l.*; but if he has to pay for it in India, he will, on account of the difference in the exchange, in reality, have to pay 40*l.*, instead of 30*l.* If a soldier dies in the hospital, and the balance of his pay is 8*l.*, it only amounts to 6*l.* when remitted to his family in this country. This fictitious value is injurious both to the officer and the soldier. I am far from thinking that the East India Company wish to take any advantage of the soldier. The Right Honourable Gentleman says that he at present gets more than he is entitled to; but, whatever sum you pay him, do not pay it in a false currency.

LORD HOWICK.—I do not think the proposal of the East India Company, to place the three presidencies on the same footing, would be satisfactory. I do not wish to go into details; but I contend that, taking all the advantages of the soldier into consideration, he does not, in Bengal, receive the amount of pay in silver to which he is entitled. That was the opinion of Lord William Bentinck, in 1834; and in that opinion I entirely concur. But, with respect to Madras and Bombay, the case appears to me to be much stronger. The Right Honourable Gentleman has admitted that an injustice is committed; but he says it will be corrected by putting them on the same system as Bengal. Now, in Bengal, the rations are found by the Company; and, in many instances, it would be very difficult to carry into effect any other arrangement. But, in Bombay and Madras, the troops have been accustomed to manage their provisions themselves,—an arrangement which has been found infinitely more satisfactory than the system of supplying them by means of the East India commissariat; and it so happens that, in these provinces, provisions are cheaper; and the East India Company, therefore, are anxious to have the provisioning of the troops, in order to make good the loss which will arise to them from paying in silver rupees according to their intrinsic value. I believe that the Company would be gainers rather than losers by the proposed arrangement. It does appear to me, that you ought to give the soldier his pay, according to the intrinsic value of the silver in which you pay it; and that you have no right to make a change in the mode of supplying the provisions to the troops, unless that change be required by them.

SIR J. C. HOBHOUSE.—Sir, with reference to what has been stated by my Noble Friend, I beg to say, that the arrangement on which the troops are now paid is not a new arrangement. It was first made in 1790, and has continued up to the present moment, without any complaint having been made founded in justice. It is true that, up to 1819, the rupee was worth more, and not less, than the sum at which it was issued; but, in consequence of the great change which took place under the Bill of the Right Honourable Baronet the Member for Tamworth, India was affected as well as the other parts of the empire. The Court of Directors, with that liberality which has always distinguished them, took the representation of Lord William Bentinck into their serious consideration; and a despatch was thereupon framed at the India House, and transmitted to the Board of Control, and the Commander-in-chief. I hold that despatch in my hand, together with the answer of Lord Hill; and I will read to the House the conclusion to which the Court of Directors, with the approbation of Lord Hill, came, as to the representations of Lord William Bentinck:—

> In conclusion, we desire to state, that the object of this letter is, to explain to you the incorrectness of the Governor General's assumption, that the King's soldier in India does not now receive as much silver as he is entitled to by His Majesty's warrant. You will perceive that the King's soldier, in fact, receives more than he is entitled to; but we do not entertain the intention of reducing the present amount of his receipts. We think it, however, necessary to state this, in order to prevent all possibility of mistake.

LORD HOWICK.—Hear, hear!

SIR J. C. HOBHOUSE.—My Noble Friend says, "Hear, hear!" but this despatch was certainly sent out with the entire concurrence of the Commander-in-chief.

LORD HOWICK.—Hear, hear!

SIR J. C. HOBHOUSE.—Does my Noble Friend say that that is incorrect? I think he will not say so. The arrangement which was approved of by the Commander-in-chief at that time now prevails in India; and, if there is any just ground of complaint, we are ready to rectify it; and, in fact, it would have been rectified a year and a half ago, but for the controversy to which allusion has been made. I contend that the British soldier receives a larger sum, according to the present arrangement, in some of the provinces, than he would do under the arrangement proposed by my Noble Friend.

I am extremely sorry that my Noble Friend should have thought it necessary to bring this matter before the House; but I am not astonished that he has done so. I need not remind my Noble Friend of the consequence of agitation in India in 1798. At that time, a King's warrant was proposed, with reference to the payment of the troops; and a representation of the circumstance reached India, through some unofficial channel, before it was promulgated in the usual manner. And what was the consequence? — A mutiny. The troops took to their arms, and wrung from the Commander-in-chief a promise that what they called their wrongs should be redressed. It is true, that the Government did not afterwards act upon that promise; but what transpired on that occasion shows how extremely dangerous it is to raise discussions on such a subject. But there is another consideration with respect to the allowances. My Noble Friend is aware that the officers in India enjoy advantages which are not enjoyed in any other part of the world; but, if the mode of payment is to be interfered with without just cause, my Noble Friend cannot suppose that the allowances will remain the same. If the present rate of payment be unjust, what a fraud has been continued since the year 1819; and what would be the amount of arrears? It would be so large, that I should very much doubt the ability of the East India Company to pay it. I contend that the soldiers have received all that they are entitled to; and that is the opinion of those who are the most likely to form a correct judgment on this subject, and who may justly be considered the best guardians of the British soldier. I contend that there exists, now, no cause of complaint, in respect to the mode of paying the troops in India. Of this, I have had repeated assurances from Lord Auckland, the Governor General, who has consulted, on this point, one of the best authorities,—Sir James Carnac,—who confirms the Governor General in the opinion he entertains on the subject. At the same time, the Governor General expressed a wish that the subject might not be again agitated; and that no change in the mode of payment of the troops in India should again be attempted, under and by virtue of a warrant from the office of the Secretary at War, similar to that issued in the year 1837.

SIR H. HARDINGE.—I consider it of the utmost importance to the military service in India, that this question should, at once, be set at rest. I assure the Committee that, up to this time, complaints have been made by the service upon the Indian stations. Sir Edward Paget, when Commander-in-chief, said, the manner of receiving their pay, and the variation between the actual and nominal value of the rupee, was a great cause of complaint. I fully appreciate the remark of the Right Honourable the President of the Board of Control, that it is very desirable the question should not be agitated in Parliament; because, I think, that is the worst possible mode of settling the question. I would rather see a remedy spontaneously applied by the Government itself.

SIR R. JENKINS. — I cannot refrain from saying a few words upon this subject before the close of the debate, for the purpose of showing that the Board of Directors have done their duty in reference to this question. In 1835, it was fully discussed, both by the East India Company and the Board of Control; and a despatch was sent out to India. The Noble Lord, however, on coming into office, took a different view of the subject, and sent out a warrant, without any communication with the Court of Directors, who afterwards entered a unanimous protest against the measure. This protest was made, not upon pecuniary grounds, but on account of its effect upon the comfort and convenience of the soldier in that part of the world. In that protest, the Court of Directors begged to call the attention of the Government to the King's warrant of March, 1837, fixing the rate of the regimental pay and allowances to the soldiers in His Majesty's service, and unanimously to protest against the literal application of that warrant to India; because it would subject the troops in Bengal, with very few exceptions, to serious loss; would be attended with disastrous consequences; and make it necessary to change the system of paying the troops in India. The letter written on that occasion formed the basis of a despatch which was sent to the Noble Lord nearly fourteen months ago, but which still remains unsettled. The fault certainly does not rest with the directors. In answer to the justification set up by the Noble Lord, of the warrant of 1837, that it was issued under the impression that it would conduce to the interests of our Indian empire, I beg to suggest to the Committee, that the Court of Directors must be, at least, as deeply interested in the welfare of that country as any individual filling the office of Secretary at War; and their view was, that it would be beneficial to the service to raise the rate of the pay and allowance of the Madras and Bombay army to that of the Bengal force, which is considerably above what they are entitled to under the warrant. I think the Board of Directors have done their duty in this arrangement; which has the effect of increasing the pay of the soldier in the field 2½*d.* per *diem*, and that of the soldier in quarters, or in barracks, to 1½*d.* a-day, in the presidencies of Madras and Bombay.

SIR CHARLES GREY.—As I have had some experience in the Indian currency, I, perhaps, may be permitted to address a few observations to the House on the present occasion. The intrinsic value of the rupee has always been kept different in the three presidencies; and that circumstance, coupled with the fluctuating state of the exchange, has occasioned considerable confusion and irregularity, and great discontent in every branch of the service. It is utterly impossible for the Government to relieve the service from the difficulties arising from the exchanges, which are fluctuating from day to day. When the exchanges were in favour of the service, and the rupee was worth more than its intrinsic value, it was gladly taken; but when the exchanges turned against them, they very naturally expected to have the deficiency made up. But there is another evil, which constitutes the real *gravamen* of the charge of the Noble Lord the Member for Northumberland; that where the amount was fixed in England, the parties in India obtained less than the intrinsic value of the money they were entitled to receive. That grievance admitted of an easy remedy; because the intrinsic value of the rupee is as well known in India as the value of a shilling is in England; and whenever a case was brought forward on this ground, it was met with the utmost liberality by the Indian Government. I can mention one instance, greatly to the credit of that Government. The salaries of the judges at Madras were fixed at a certain number of pounds sterling, to be calculated by the star pagoda. That coin disappeared from the currency, and the only coin was the Madras rupee, which bore a certain proportion to the gold coin of the presidency; but, on looking at the corresponding value, it was quite evident that the annual loss to the judges was about one eighth of the whole salary, by their being paid in rupees. A statement to that effect was made to the Government, and they not only acknowledged the justice of the claim, and agreed to pay the difference in future; but they actually paid up all the arrears to the parties who sent in their claims. In 1826, an arrangement was made to pay the salaries in rupees, and a calculation was made as to how many were to be paid for a pound sterling. Now, I think, if the army would lay aside the notion of any losses suffered by the exchanges, it would be no difficult matter to remedy the inconvenience and injustice of which the Noble Lord complains. There are two modes in which the soldier is paid. He is entitled to 7*d.* per day. The company give certain allowances beyond that sum. Now, the chairman of the Board of Directors, the President of the Board of Control, and the Secretary at War, have stated that, in Bengal, the pay and allowances together make up more in solid silver than the soldier is entitled to under the warrant. But that, I think, is not a satisfactory arrangement; because the soldier is not likely to be contented, if, when he expects something more from the bounty of the Government, he finds that the two sums together amount to very little more than he is entitled to under the warrant. I think the 7*d.* ought to be secured to the soldier in the intrinsic value of the coin, and that anything above that should be received by him as a bounty from the Government.

Mr. HUME.—I think the Government ought at once to settle the question. I have no doubt that the pay and allowances are more than the soldier is entitled to under the warrant; but that is not the question. The pay should be made distinct from the allowances; and there can be no difficulty in ascertaining the real amount of silver which the soldier ought to receive.

LORD HOWICK.—Sir, having already spoken in this debate, I cannot think of detaining the House at any length; but it is impossible for me altogether to pass over what has fallen from the Honourable Gentleman opposite, the chairman of the East India Company. The Honourable Gentleman stated that I, when Secretary at War, was guilty of the gross impropriety of advising His late Majesty to make a change in the rate of payment of the troops in India, without communicating my intentions to the Board of Directors of the East India Company; and of transmitting a warrant to India, in accordance with those views. Now, nothing can be more unfounded than that statement. When I came into office, I found a warrant in preparation, which made no alteration in the rate of payment. That warrant I submitted to His Majesty in 1837, and it was then issued to the army in general; but it was not at once transmitted to India, because my Right Honourable Friend the President of the Board of Control wished me to withhold it for a time, conceiving that it might be injurious to the discussions then going on. It was withheld, at the desire of my Right Honourable Friend, and was not sent out until some months afterwards, when I found that no advantage would arise from further delay. I therefore must say, that I was a good deal surprised that my Right Honourable Friend should have alluded to that warrant. My Right Honourable Friend laid great stress on the despatch written by the East India Company, and approved of by the Commander-in-chief. Now, my Right Honourable Friend is perfectly aware that, on financial matters, the Commander-in-chief is no authority whatever; and, as his attention had not been called to the material parts of the case, it was impossible that he could give a fair opinion on the subject. But the Right Honourable Gentleman ought to have added that the despatch was not communicated to the War Office before it was sent to India. I will now only add, that, in my opinion, the soldier ought to receive his pay according to the intrinsic value of the silver which the rupee contains, and not accord- to its nominal value. The question of allowances may afterwards be settled.

SIR H. HARDINGE. — It should seem, from the statement of the Right Honourable Gentleman, that the value of the money paid to the soldier, according to the rate at which the rupee is taken, is 8¼*d.* per *diem*, which is equivalent to the 7¼*d.* rate fixed by the warrant. If that be the case, the army ought to be satisfied with such an arrangement in point of value. But why should you not issue a pay warrant in rupees, instead of in sterling pounds and shillings. There would be this advantage attending the adoption of this principle, — that the payment would be in sterling silver, and would not fluctuate. Until something of this kind be done, the grievances of which the soldiers complain will still continue.

SIR J. C. HOBHOUSE. — The real facts of the case are these: the warrant of my Noble Friend, by inserting the words "soldier abroad," was made applicable to troops in India. I had, at the time, particularly impressed on my Noble Friend the importance of his warrant *not* applying to India; and I pointed out to him that the use of the words "soldier abroad," as well as "soldier at home," must, of course, make the warrant applicable to India, whether sent out officially to India, or not. That warrant was, however, sent out officially by my Noble Friend to the Governor General. The Court of Directors were not only not consulted by my Noble Friend, but my Noble Friend took the very course which they begged and implored him — and which I, also, begged and implored him — not to take. I, therefore, acting under a sense of the responsibility belonging to my office, took upon myself, notwithstanding the warrant sent out by my Noble Friend, to write to the Governor General, telling him that it was not desirable to act upon the warrant, as an amicable discussion upon the subject was going on very comfortably between me and my Noble Friend, which would, no doubt, terminate in a satisfactory manner. I also mentioned to my Noble Friend at the head of the Government that I could not continue to hold my present office unless the misconception on the part of the Secretary at War was removed. In that condition the matter stands at present. The warrant has gone out, but it has not been acted upon; and there is a sum of 65,000*l.* due to the Bombay and Madras army. I can only add, that the despatch raising the pay of the troops in the Madras and Bombay presidencies will, with the concurrence of my Right Honourable Friend the present Secretary at War, go out in the course of a few days.

LORD HOWICK. — I wish to ask whether my Right Honourable Friend will undertake to say, in his place in this House, that the warrant which I sent out contained one line that was not a consolidation of former warrants?

SIR J. C. HOBHOUSE. — There was a line in the schedule which made the warrant necessarily applicable to India; and I could not help its so applying, though I thought it most improper.

LORD HOWICK. — I beg to state that the warrant contained no reference to the rupee question. It merely stated the amount, in English money, to which the soldier was entitled. It made no change whatever, but was a mere consolidation of former warrants; this, however, it made clear to the troops, — that, when they were serving abroad without rations, they were entitled to 1*s.* a-day, instead of 8½*d.* When the House resumes, I will move for a Return, showing the changes which have been made in the pay of the troops serving at home or abroad by His late Majesty's warrant of March 4. 1838.

SIR R. PEEL. — Before anything is done in this matter, I think it would be well to refer to the evidence given before the Select Committee on Indian Affairs by several distinguished officers, in the year 1833. It appears that, in 1824, a general order was given that the rupee should be valued, comparatively with the sterling money of this country, at 2*s.* 6*d.* per rupee, at which it had been fixed in 1797. It would seem more analogous to sound principles to issue the rupee at its real value. At all events, a very distinct, full, and intelligible explanation of the ground on which we are proceeding ought to be given.

LORD HOWICK. — I wish to impress upon the House that the pay in Bengal is not so much as the soldier is entitled to; whilst, in Bombay or Madras, this is a clear and unmitigated injustice. And the question between myself and my Right Honourable Friend is this. Because an injustice is to be redressed, shall the East India Company be permitted, in order to reimburse themselves the amount of the money, to alter the established system of regimental messes and contracts?

Question agreed to.

Resolution to be reported this day; Committee to sit again on Wednesday. House resumed.

UNION WORKHOUSES BILL.

Mr. FOX MAULE. — I beg leave to move the second reading of the Union Workhouses Bill.

CAPTAIN PECHELL. — I would suggest to the Honourable Member the propriety of extending the Bill to hospitals and other charitable institutions.

Mr. FOX MAULE. — The proposition can be taken into consideration in Committee.

Motion agreed to; Bill read a second time, and committed for Friday.

PRISONS BILL.

Mr. FOX MAULE. — I move the second reading of the Prisons Bill.

Mr. GREENE. — I hope the Government will take into consideration the rules relating to the debtors' side of the gaols, in order that some uniform system may be adopted throughout the country.

Mr. FOX MAULE. — I agree with the Honourable Member that uniformity of treatment is desirable, not only with respect to debtors, but to other prisoners; and it is with this view that I have brought in the Bill.

Mr. WARBURTON. — I do not mean to object to the second reading of this Bill; but I wish to give notice that, in Committee, I shall propose the insertion of a clause enacting that persons convicted of a political libel shall not be treated, under the regulations of the prison, as those convicted of criminal misdemeanours. I have been induced to give this notice in consequence of the treatment to which Lovett and Collins have been exposed in Warwick gaol.

The Bill was then read a second time.

Motion agreed to; Bill read a second time, and committed for Friday.

LAW OF EVIDENCE (SCOTLAND) BILL.

Committee deferred till Monday next

PARLIAMENTARY BURGHS (SCOTLAND) BILL.

Second reading deferred till Monday next.

DRAINAGE OF LANDS BILL — INLAND WAREHOUSING BILL.

Second readings deferred till Monday, the 23d of March.

WAYS AND MEANS.

Committee deferred till Wednesday.

PRISONS.

Order (6th March) for printing papers relative thereto, read, and discharged.

PAPERS, &c.

Spain (Marines, &c.). — Accounts.

Customs Duty. — Return.

Education (Ireland). — Paper.

Ecclesiastical Commission (Ireland).— Paper.

(Severally presented 5th March). — To be printed.

Greenwich Hospital. — Account (presented 6th March) to be printed.

Adjourned at a quarter before one o'clock.

HOUSE OF LORDS, Martis, 10° die Martii, 1840.

APPEALS.

Carter *v.* Sir W. H. Palmer, Bart. — Copies of pleadings and proceedings on the part of the appellant and of the respondent; delivered (upon oath) at the bar.

Countess of Dalhousie *v.* M'Dowall. — Further heard, and adjourned to Thursday next.

Reid *v.* Baxter; Neilson *v.* Mrs. Jean Donald (or Cochrane). — To be heard on Thursday next.

EARL OF DYSART'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; counsel heard; witnesses examined; and the Committee resolved, that his Lordship had made out his claim; and Report thereof to be made to the House.

LORD DUFFERIN AND CLANEBOYE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; witnesses examined; and Committee adjourned *sine die.*

MARCHMONT PEERAGE.

Committee for Privileges (which stands appointed for Thursday next) put off to Thursday, the 19th instant.

BEAUMONT BARONY.

Several witnesses ordered to attend, and to produce documents.

PERRY'S DIVORCE (INDIA) BILL.

Amendment reported (according to order); Bill to be ingrossed, and to be read a third time on Thursday next; and the Lords summoned.

EDINBURGH GAS BILL.—GARBOLDISHAM INCLOSURE BILL. — TWEEDDALE BRICK COMPANY BILL.

Brought from the Commons, and read a first time.

WINCHESTER CEMETERY BILL.

Read a third time, and passed.

LANCASTER AND PRESTON RAILWAY BILL. — LIVERPOOL EAST INDIA WAREHOUSE COMPANY BILL.

Read a second time, and committed for Friday next.

BRIGHTON SMALL DEBTS BILL.

Reported, without amendment.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.

Referred to the Standing Order Committee on Tuesday next.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Brought from the Commons.

VISCOUNT MELBOURNE. — My Lords, I move that this Bill be now read a first time. I beg, at the same time, to state that I do not intend to propose the second reading of it until Monday, the 30th of March, as it is considered desirable that time should be given to those Peers connected with Ireland to peruse it, and to be in their places to take part in the discussion.

Bill read a first time; to be printed; and to be read a second time on Monday,

the 30th instant; and the Lords summoned.

CHURCH PATRONAGE (SCOTLAND).

The EARL of GALLOWAY. — My Lords, I hold in my hand petitions on the subject of church patronage in Scotland, — from the magistrates and town council of Whithorn; from the kirk session of St. Andrew's parish, Dunfermline; and from the inhabitants of Ferreglas, Mousewald, and Kirkmahoe, all of which proceed on the principle that no minister ought to be obtruded on a non-consenting congregation. The petitioners pray your Lordships to take the law of patronage into your serious consideration, and to deal with it as in your wisdom you may think proper, so as to prevent the improper intrusion of ministers on parishes. In that prayer I most cordially concur; and I hope that some measure will be speedily introduced to heal the dissensions to which this question has given rise in Scotland.

Petitions read, and ordered to lie on the table.

VACCINATION.

The MARQUESS of LANSDOWNE. — My Lords, I rise to call your Lordships' attention to a petition of rather an unusual nature, from a body of persons who do not frequently appear as petitioners; the petitioners are a very large number of the medical profession in this country, who are desirous of calling your Lordships' attention to a subject, not only interesting in every view of public utility and expediency, but also interesting to many of your Lordships in your private stations, and as it affects your Lordships' domestic feelings and relations. It is from the president, council, and members of the Provincial Medical and Surgical Association held at Liverpool, and relates to the present state of vaccination in this country; and though signed by only a few persons bearing office in the Medical Society of London, it expresses the opinion of not less than 1200 provincial medical practitioners, who are desirous of calling attention to the fact, that the small-pox, so far from having diminished of late years, has been on the increase; and they are also desirous of stating to your Lordships the opinion which, after much deliberation, they have formed on the subject, that the increase is owing, on the one hand, to the imperfect state of vaccination in many parts of the country; and, on the other, that it has spread and increased through the perseverance of persons not connected with the medical profession, and not entitled to act in a medical capacity, in the practice of inoculation. The petitioners also state, as an important fact connected with the subject, and as one established beyond the possibility of contradiction, that there is a perfect identity between vaccination and the small-pox, although the symptoms are different; and that this has been proved by the inoculation of a cow with *variola* matter, and the production, by that inoculation of a disease similar, in all respects, to that which results from vaccination in the human subject. It has been made a matter of complaint that, although a person shall have been vaccinated, yet, after the lapse of several years, he may have an attack of small-pox; but this, they state, has not been the fact, except in cases where the vaccine matter has not been of the proper description. It is, undoubtedly, true, that very few deaths have resulted from small-pox which has been taken subsequently to vaccination, for it always then has appeared in a very mitigated form. The petitioners, however, submit, that no conclusion can be drawn from this against the theory of vaccination; but they state that the imperfect means of vaccinating adopted in this country, through the licence given to persons who are not capable of forming an opinion on the subject, has been attended with increasing evils; and in those particular places in which no vaccination has been adopted, there have been thousands of deaths in the course of a few years; and that there is one city in the south of England where no less than 500 persons have died of the small-pox in one year. Under all these circumstances, the petitioners approach your Lordships, praying you to consider whether any means can be adopted, by the enactment of a law or otherwise, to extend the present system of vaccination. The petitioners do not wish that this evil should be remedied by having recourse to those rigorous measures or despotic proceedings which have been had recourse to in some countries in Europe, namely, a positive prohibition to inoculate with *variola* matter; and that some penalties should be imposed on those who do not take care that their children be regularly vaccinated. They suggest, that the House should consider how far it would be proper to prohibit persons from inoculating for the small-pox, such persons not being members of the medical profession, and, therefore, not influenced by those considerations which impel the latter to abstain from doing so. They also recommend that a great number of persons should be employed in vaccinating the poor of the country. I need not tell your Lordships that it is the duty of the higher classes of society to discountenance any practice which may be found to be annually productive of a great amount of misery and disease; and that can effectually be done by promoting this easy and simple remedy, which is calculated to mitigate and remove one of the greatest pests which ever afflicted humanity.

LORD ELLENBOROUGH. — I entirely agree with the Noble Marquess as to the urgency of the case; but I differ from him as to the difficulty of finding a remedy. Nothing, in my opinion, would be easier. A short Bill should be speedily brought in, to enable poor law guardians to make contracts for the vaccination of the poor.

The MARQUESS of LANSDOWNE. — Would that obviate the evil?

LORD ELLENBOROUGH. — It is entirely a question of expense to the poor. Some medical gentlemen vaccinate gratis for the poor; others, however, do not, — and their charges are higher than those of the quacks who inoculate for the small-pox. This is the only reason why the poor prefer inoculation.

The MARQUESS of LANSDOWNE. — I have no doubt that the Poor Law Commissioners will attend to the suggestion of the Noble Lord.

LORD COLCHESTER. — I can testify that the poorer classes are not averse from vaccination; but the truth is, that they have not the means of getting it. In one district, in Sussex, the board of guardians have provided the means of vaccination; and there has been no small-pox there at all.

The MARQUESS of NORMANBY. — My Lords, I have only to say, that I consider the subject so important that I shall cause every inquiry to be made, whether the evil may not be remedied by the measure suggested by the Noble Baron opposite, and thus the good practice be encouraged, and the bad discouraged.

LORD ELLENBOROUGH.—It might be done by a short Bill, which could be passed in a few days.

The EARL of HADDINGTON.—The remedy of my Noble Friend would not serve for Scotland, where there are no poor laws, and consequently no poor law guardians.

Petition read, and ordered to lie on the table.

SHERIFFS' SUBSTITUTES.

The Duke of Argyll presented a petition of justices of the peace for the county of Argyll, in quarter sessions assembled, praying for an increase of salary to the sheriffs' substitutes within the said county. — Read, and ordered to lie on the table.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.

The Earl of Haddington presented a petition of heritors, merchants, ship-owners, and others of the town of Leith, praying to be heard by counsel against the Bill. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The Duke of Argyll, the Marquess of Londonderry, the Earl of Aberdeen, and the Marquess of Bute presented petitions in favour of the principle of non-intrusion, — of the minister and elders of Holburn church and parish: of the presbytery of Glendermotte, in connection with the general synod of Ulster. Muchart; Lochrutton; Kelso; Abbotshall; Kirkpatrick juxta; Holburn (Aberdeen); Bathgate; and Benholme. — Read and ordered to lie on the table.

CORN LAWS.

The Earl of Clarendon presented a petition for the repeal of, — of inhabitants of Broakside. — Read, and ordered to lie on the table.

POOR LAWS AMENDMENT ACT.

The Marquess of Normanby presented a petition for alteration of, in relation to the bastardy clause, — of guardians of the Dewsbury union. — Read, and ordered to lie on the table.

FOREIGN FLOUR (IRELAND).

The EARL of CLARE presented a petition against the importation of foreign flour into Ireland,—from the high sheriff and landowners of the county of Limerick.

CASE OF THE NEWPORT CONVICTS.

LORD TEYNHAM.—My Lords, in consequence of what fell from the Noble Marquess the Secretary for the Home Department, last night, on the subject of a petition presented by me, from Newport, praying for the pardon of Frost and his companions, I feel called upon to make one or two observations. First, as to the population of Newport, I find, notwithstanding the statement of the Noble Marquess, that, in the last population Returns, it was stated at only 7000. With respect to the petition, I have been informed that it was signed by five persons who were or had been town-councillors of Newport. Undoubtedly, one of these persons was the uncle of John Frost; but he had resided all his life at Newport, and had retired from business with an unimpeachable character. It is true that he was taken up for looking out of the window of his house at the mob, at the time of the outbreak; but Government did not think it advisable to prosecute him. The petition was placed in a public situation in the town, so that every one who wished might sign it. I understand it is intended to call a public meeting of the inhabitants during the Easter week, in order to give every person an opportunity of expressing his opinion on the subject. I am sure that, if there were the least chance of mercy being extended to these unhappy individuals, your Lordships would be the last persons to give any opposition to it.

The MARQUESS of NORMANBY.—I am sure your Lordships will think it quite unnecessary for me to add anything to what I said last night. The Noble Lord must, I think, be aware that the petition did not, in any respect, merit the character he had given of it. He has, I have no doubt, been misled; and the petition will be regarded as coming from persons interested in the fate of those men; but it can never be considered as representing the feelings and opinions of the respectable inhabitants of Newport.

PAPERS, &c.

Return of all peerages of Ireland created since the Union, stating the peerages on the extinction or supposed extinction of which each new peerage has been created; and, also, of all other peerages of Ireland supposed to have become extinct during the same period.—Delivered (pursuant to order of 20th of February last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were severally presented, and read a first time, and ordered to be read a second time; namely, —

Poddle River (Dublin) Bill, —" "To amend the Acts relating to the River Poddle, in the County and City of Dublin." — To be printed.

Ordered, That the said Bill be referred to the Select Committee on Petitions for Private Bills; and that it be an instruction to the said Committee to examine whether the Standing Orders have been complied with, as in the case of a petition for a Private Bill, and under the same rules and regulations.

Mill Bay (Devon) Pier Bill, — "For erecting and maintaining a Pier and other Works in Mill Bay, in the Port of Plymouth, in the County of Devon."

Hull Improvement Bill, — "For better lighting and cleansing the Town of Kingston upon Hull, and certain Parts of the Liberty of Trippett, within, and Part of, the municipal Borough of Kingston upon Hull."

Nairnshire Roads Bill, — "For more effectually making, repairing, and maintaining certain Turnpike Roads, in the Counties of Nairn and Inverness."

Exeter Port Dues Bill, — "For equalising, defining, and regulating the petty Customs, and for facilitating the Collection of the Quay Dues payable to the Mayor, Aldermen, and Burgesses of the City and Borough of Exeter; and for preserving the Navigation of the River Exe."

Exeter Market Bill, — "To alter, amend, and enlarge the Powers and Provisions of an Act for removing the Markets held in the High and Fore Streets, and other Places within the City of Exeter, and for providing other Markets in lieu thereof."

Austin's Patents Bill, — "For forming and establishing a Company, to be called 'The Deep Sea and General Salvage Company,' and for enabling the said Company to purchase certain Letters Patent."

Garngad Road Bill, — "To alter and amend an Act passed in the third Year of the Reign of His Majesty King George the Fourth, and the Acts therein recited, so far as the same relate to the Road to Provan Mill, commonly called the Garngad Road, and for other Purposes relating thereto."

Birmingham, Bristol, and Thames Junction Railway Bill, — "To amend and enlarge some of the Provisions of the Act relating to the Birmingham, Bristol, and Thames Junction Railway, and to authorise the Company to raise a further Sum of Money for the Purposes of the said Undertaking."

Stoke Bruern Inclosure Bill, — "For inclosing Lands in the Parish of Stoke Bruern and Hamlet of Shutlanger, otherwise Shuttlehanger, in the said Parish of Stoke Bruern, in the County of Northampton."

London and Greenwich Railway Enlargement and Station Bill, — "To enable the London and Croydon Railway Company to enlarge a Portion of the London and Greenwich Railway, and for other Purposes."

Royal Naval School Incorporation Bill, — "For the Establishment and Government of the Institution called the Royal Naval School."

Deal and Walmer Waterworks Bill, — "For better supplying with Water the Town and Borough of Deal, and the Neighbourhood thereof, in the County of Kent."

Weaver Churches Bill, — "To authorise the Trustees of the River Weaver, in the County of Chester, to apply Part of the Funds arising from the Rates and Duties payable in respect of the Navigation of the said River, for the erecting and endowing one or more Church or Churches, for the Accommodation of the Watermen, Hawlers, and others employed upon the said River, and connected with the Traffic thereof."

Chester Improvement Bill, — "For the better paving, lighting, and improving the Borough of Chester, and for establishing new Market Places therein; and for consolidating the several Parishes within the said Borough, so far as relates to the Assessment and Collection of the Poor's Rates, and Settlement and Maintenance of the Poor."

Kollmann's Patents Bill, — "For forming a Company to be called 'Kollmann's Railway Locomotive and Carriage Improvement Company,' and for enabling the said Company to purchase certain Letters Patent."

Herculaneum Docks Regulation Bill, — "For regulating certain intended Docks at Liverpool, to be called 'The Herculaneum Docks,' and exempting Vessels frequenting the same and their Cargoes from a Portion of the Tolls and Duties payable to the Trustees of the Liverpool Docks."

Harrington Dock Company Bill, — "To enable the Harrington Dock Company to sue and be sued in the Name of any Member or Officer of the said Company, and to exempt all Vessels using the Docks belonging to the said Company, and all Goods shipped or discharged therein, or on the Estate of the said Company, from the Payment of certain Rates, Tolls, or Duties to the Trustees of the Liverpool Docks."

Liverpool Court of Requests Bill, — "To alter and amend an Act passed in the sixth and seventh Years of the Reign of His late Majesty King William the Fourth, relating (amongst other things) to the Recovery of small Debts within the Borough of Liverpool."

Fisherrow (Edinburgh) Harbour Bill, — "For improving, enlarging, and maintaining the Harbour of Fisherrow, in the County of Edinburgh."

Edinburgh and Glasgow Railway Bill, — "To amend the Act relating to the Edinburgh and Glasgow Railway."

Dean Forest Railway Bill, — "To enable the Forest of Dean Railway Company to make a new Branch or Extension of their Railway from Cinderford Bridge to Bromspill, and to amend the Act relating thereto."

Belfast Waterworks (No. 1.) *Bill,* — "For better supplying with Water the Town and Borough of Belfast."

London and Greenwich Railway Station Bill, — "To enable the London and Greenwich Railway Company to provide a Station in the Parish of St. Olave, in the Borough of Southwark, and County of Surrey."

Wicken Inclosure Bill, — "For inclosing Lands in the Parish of Wicken, in the County of Cambridge."

Kington Inclosure Bill, — "For dividing and inclosing Kingswood Common and Moseley's Mear, and for extinguishing commonable Rights in Kingswood, all in the Parish of Kington, in the County of Hereford."

Northern and Eastern Railway Bill, — "To enable the Northern and Eastern Railway Company to abandon a Portion of their Line originally authorised to be made, and to alter and amend several of the Powers and Provisions of the Acts relating to the said Railway."

West Stirlingshire Roads Bill, — "To make, improve, and maintain certain Roads in the Counties of Stirling, Dumbarton, Lanark, and Perth."

North Union Railway Bill. — Report further considered (prints having been delivered on Wednesday, 4th March); amendments agreed to; clauses added; Bill to be ingrossed.

Kennet and Amesbury Road Bill. — Report further considered; amendments agreed to; amendments made; Bill to be ingrossed.

Austin's Patents. — Order for Bill (6th March) read, and discharged. — Another Bill ordered to be brought in by Mr. HAYTER and Mr. GEORGE PALMER.

Wolverhampton Chapel Bill. — Lords' amendments agreed to.

West Stirlingshire Roads. — Order (9th March) for leave to proceed with the Bill, read. — Bill ordered to be brought in by Mr. WALTER CAMPBELL and LORD DALMENY.

Tweeddale Patent Drain Tile and Brick Company Bill; Garboldisham Inclosure Bill. — Read a third time, and passed.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Petition of Ebenezer Robins, against. — Referred to the Committee on the Bill; counsel ordered.

Metropolis Improvement. — Petition of

the chairmen of the Greenwich Railway and Croydon Railway Companies, suggesting a line of communication from St. Saviour's Church to Stamford Street. — Referred to the Select Committee on Metropolis Improvement.

Norwich Improvement (No. 1.) *Bill.* — Petition of the corporation of Norwich, against. — To lie on the table.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Petition of the North Midland Railway Company, in favour. — To lie on the table.

Taff Vale Railway Bill. — Petitions in favour, — from Merthyr Tydvil; and proprietors or lessees of collieries upon or near the line of the Taff Vale Railway. — To lie on the table.

Petitions against, — from owners and occupiers of lands, mines, &c. lying near the Taff Vale Railway (three petitions); owners and occupiers of estates lying near the said railway; owners and occupiers of estates within, and inhabitants of, Newbridge; Cardiff; and tradesmen and inhabitants of Merthyr Tydvil. — To lie on the table.

The following Bills were severally read a second time, and committed, as follows: —

Sarum and Ealing Road Bill, — To Mr. BRODIE and the South Wilts list.

Exeter Waterworks Bill, — To Mr. DIVETT and the South Devon list.

General Steam Navigation Company Bill, — To SIR MATTHEW WOOD and the Middlesex list.

Promoli's Naturalisation Bill, — To LORD VISCOUNT SANDON and the South Lancaster list.

Hausburg's Naturalisation Bill, — To LORD VISCOUNT SANDON and the South Lancaster list.

Kingston upon Hull Docks Bill, — To Mr. CHARLES WOOD and the East Riding of York list.

TAFF VALE RAILWAY BILL.

Mr. ROBERT HENRY CLIVE having moved the second reading of this Bill, —

DOCTOR NICHOLL said: — I was in hopes that my Honourable Friend, in moving the second reading of this Bill, would have stated, generally, the grounds upon which he does so. When the original Bill came before the House, I supported it, because I conceived that the inhabitants of those districts through which the railroad was to pass required a cheap mode of conveyance. But, Sir, in this instance, I see an attempt to introduce a most dangerous and objectionable principle; — namely, that, because the work has not been so successful as — and cannot be completed for the sum which — the proprietors originally contemplated, they now come here for authority — not to construct any new works — not for any extension of their works, but — for raising an increased sum of money, and as a consequence of that proceeding, for exacting increased tolls. This is a proposition, it occurs to me, entirely foreign to those principles upon which the House legislates in such matters. If it be acceded to, we may naturally expect, that whenever a company is unsuccessful in the scheme they may have undertaken, they will come to this House, and ask to be relieved from the inconvenience, in a similar way. It has already been tried, by a motion in the case of the Montgomeryshire canal, which my Honourable Friend below me, and my Right Honourable Friend the Member for the county (Mr. Wynn), both opposed. My Right Honourable Friend (Mr. Wynn) upon that occasion said, "If you allow this Bill to proceed, you will establish a precedent of which, I will say, that I know not where it may end." Upon a division, there were but three in favour of the Bill, while seventy-seven voted against it, upon public principle — a principle which I conceive strictly applicable to the Bill now before the House. By allowing persons thus to raise their tariff of tolls after having obtained the required powers for making them, you will induce persons, in future cases, to compute the expenses of an undertaking, in the first instance, at too low a rate; and you will thus invite them — having obtained the required powers — to come back to this House, and apply for a further sum of money, and a further increase of tolls. The adoption of such a principle, I do say, would be most mischievous, and most injurious to the public. What are the simple facts of this case? In 1836, those parties applied to this House for powers to make a railroad; and obtained, under certain conditions, very extensive and compulsory powers. In 1837, they came to the House for leave to deviate, in some degree, from the original line, and make new branches; but it was positively stated, upon that occasion, in evidence before the Committee, that those new branches having been contemplated in the original plan, no further call for money would require to be made; and they never as much as hinted, in the remotest manner, at any proposed increase of the tariff. They took lands, they entered into bargains and contracts; and now that all these are completed, and that their compulsory powers have expired, they come again to Parliament, and ask to be relieved from the conditions on which they obtained those powers. That appears to me to be a monstrous principle, and one which the House ought not to sanction. The original capital was 300,000*l.*, in shares, and 100,000*l.* in mortgages. This, they said, was sufficient, not only for the original line, but the new branches; and yet they now seek for an increase of 60 per cent. on the original capital, although they must have known, in 1837, at least if such be the fact, that they had not sufficient capital. Under these circumstances, I trust the House will support the motion with which I mean to conclude: if not, I can assure Honourable Members that a gross injustice will be done to the original shareholders, who will have to pay 5 per cent. on the 100,000*l.* in mortgages, and 6 per cent. on the advance; while, by this Bill, a *bonus* is to be given to the new shareholders. The 6¼ per cent. on the money actually subscribed is to be paid to them in preference, and before the original shareholders can receive one sixpence. I therefore move that this Bill be read a second time this day six months.

Mr. DIVETT. — The statement of the Honourable and Learned Gentleman who has just sat down has convinced me, more than anything else, of the necessity of allowing this Bill to go before a Committee, where I know it can be proved that the original shareholders are almost, if not to a man, unanimous in support of this Bill; and also, that no pledge whatever was given that this railway could be completed for the sum stated; while, at the same time, it can be shown, that the original computation was not more erroneous than it has been in many other cases. The real grounds of opposition are not those stated by the Honourable Gentleman. That opposition arises, not from any objection to the small increase of toll which the shareholders ask for, but through a desire to favour the new docks at Cardiff. For such a reason, I am sure the House is not prepared to deprive a large district of country of the benefit of a ready means of communication, by means of a railroad, which I contend, it is entitled to have, in addition to the existing canal. In the event of the House refusing to sanction this Bill, it will be utterly impossible for the work to proceed. With regard to the tolls, I can state that, out of twenty-eight railways, for which Bills have passed since 1835, not above one has the toll so low as in this case. All the alteration we ask for is, to raise the toll on coals from two thirds of a penny per ton — which it is at present — to seven eighths of a penny; and on iron, from 1*d.* per ton to 1¼*d.* I do not think the Honourable Gentleman has shown any analogy between this case and the case of the Montgomeryshire Canal. The first Act for that canal passed in 1794; in 1815, another Act passed, raising the toll; and in 1838, they again asked for an increase. I do not, then, see the analogy. In this case, the work is not completed; and the increase of toll sought for is exceedingly small. By passing this Bill, an essential service will be rendered to a valuable mining district, for the trade of which the canal in insufficient. So far from the coal miners being opposed to it, the greater number of them are of opinion that it will tend very much to their advantage and prosperity; for, in the event of this Bill not being passed, a very high rate of charges will be the result. Indeed, from a paper I have before me, it would appear that iron, conveyed by the canal, will be taxed at 1*s.*, coal at 3*d.*, copper at 1*s.* 8*d.*; and that the other tolls will be in proportion.

LORD GRANVILLE SOMERSET.— As some of my constituents are interested in this question, I am anxious to state, briefly, the grounds on which I mean to oppose this Bill. If the House once sanctions the principle which this Bill involves, I do not see how it can, on any future occasion, object to increase the subscriptions, on the one hand, and the tolls on the other. The promoters of this Bill, although they, in the opinion I at the time stated, and still retain, have taken ample money for their purpose, and ample tolls to remunerate them, —after raising 400,000*l.*, now say, "We must have 280,000*l.* more; and we must have an increase of toll, to enable us to pay the interest of that additional sum." Now, Sir, I contend that parties have no right to come before this House and say, "We have been so egregiously mistaken, that we must increase the tolls to the extent of 60 or 70 per cent. The Honourable Gentleman opposite has stated that it is intended, if this Bill should not pass, greatly to increase the toll of the canal. Sir, there never was a more gratuitous assumption, or one for which there are less grounds. This Bill, on the other hand, will inflict, as has been already shown, a great injury upon the original shareholders. Whether, therefore, as an example to be set with regard to other Bills, or with regard to the particular circumstances of the case, I think this Bill ought not to be allowed to proceed. I have no objection that a certain sum of money should be advanced, on proper terms, to complete the work; but I do object to that clause in the Bill which enables the company to extend their railroad in every possible direction, and to raise money for the purpose. After having been twice before Parliament, and made a bargain with the public and the House of Commons, I do not think sufficient reason has been stated to induce us to abrogate it.

SIR B. HALL. — Having been one of the Committee, I wish to state that I oppose this Bill, because I conceive that the proprietors have been very extravagant in their outlay of money, and have no right, now, to call for an increase of the tolls. Suppose the London and Birmingham Railway Company were to say that, because they had added 1,000,000*l.* to their original expenditure, they required to lay an additional tax upon goods and passengers; surely the House would not sanction such a proposition. If the Honourable Gentleman opposite will consent to withdraw the exacting clauses, I shall give it my support, as I should be glad to see the work completed; which can be done by borrowing a sum of money sufficient for the purpose.

COLONEL WOOD. — The original Bill was very much contested in Committee, and eventually adopted, upon the understanding that the tolls should not exceed or be increased beyond the sums specified in the Act. Like the Honourable Gentleman who has just sat down, I think it is most desirable that the work should be completed; and I am ready to assent to a Bill for empowering the proprietors to borrow money for the purpose; but I certainly cannot accede to any infringement of the original understanding, in reference to the amount of the tolls. I shall not now oppose the Bill, but shall certainly endeavour to have those clauses imposing an increase of toll struck out in Committee; while, at the same time, I shall assist in affording every facility for acquiring the necessary loan for the completion of the railroad.

LORD JAMES STUART. — As I have reason to believe that the main line of railway can be completed under the powers of the Act which passed three years ago, and as I know that a great number of the leading iron mine owners of the district are decidedly opposed to this Bill, I shall feel it my duty to vote against its further progress.

SIR THOMAS FREMANTLE. — It does appear to me, Sir, that if the House allows the parties in this case to obtain an increase of toll, it will be obliged, in fairness and consistency, to act similarly in every future case that may be brought forward. Notwithstanding that the Honourable Member for Exeter has stated that the increase in the amount of toll will be very small, I think I have a right to conclude, when I find the amount to be taken for the use of the locomotive power increased by nearly one half, that the charge to the public will be increased in the same ratio. I hold in my hand a statement of the promoters of the Bill, in which they say that the charge for the locomotive power will be one halfpenny, while, under the Act, it is only four tenths of a penny, for carriages furnished by the company. Now, four tenths of a penny is nearly one half less than one halfpenny, and unless the Honourable Gentleman opposite can show that that is not to be the charge for the conveyance of goods where the company are to be the carriers, then, I say, the charge upon the public will be nearly one half more. If the company had confined themselves to the original Bill, their capital would have been quite sufficient. Those new branches may not bring them in anything; and it really seems to me clear that, at all events, they ought to raise money out of their private capital for the purpose, instead of coming to this House for new powers.

Mr. F. H. BERKELEY. — I beg leave to say, Sir, that I shall support this Bill, and for this reason, — that if it be not allowed to proceed, the parties to it, many of them at least, — must inevitably be ruined.

[Cries of "Divide, divide!"]

Mr. MARK PHILIPS. — I am not going to detain the House a moment. I rise merely to suggest, — as the circumstances of this case are somewhat peculiar, as there are various interests to be affected by the Bill, — and as it would be unwise to allow a work upon which there has lready been so large an outlay, to fall nto dilapidation for want of further ca- ital, — that the House ought not hastily o come to a vote for the rejection of this ill, but allow it rather to go before a ommittee, where all those circumstances nay be fully investigated.

Mr. W. WILLIAMS. — I agree with ny Honourable Friend, that the question s one for a Committee. Even if the ommittee should come to the conclusion hat there are just grounds for increasing he toll, the House will afterwards have n opportunity of negativing that part of he Bill, if it should think proper.

Mr. ROBERT H. CLIVE. — In re- lying to the objections which have been nade to this Bill, I can assure the House shall be as brief as possible. One of he inducements held out to the public to ubscribe was, that there should be a imited scale of profits, and that the tolls hould be framed according to that scale. ow, let it be kept in mind, that, unless a um of money be obtained, the probability s, that it will be impossible to complete he work, after having expended upwards f 300,000l. upon it; and that that money ill have been entirely thrown away. As o public body has offered any objection o the course we are taking, I think I am ustly entitled, under the circumstance I ave just stated, to call upon the House to llow this Bill to be fairly considered and nvestigated. In 1836, powers were iven to raise the sum of 300,000l. by hares, and 100,000l. on mortgage; and, n 1837, powers were obtained to make ertain branches. At the present moment, 5 per cent., altogether, has been called or, the last call of which amounted to 0,000l. Of that call, made in the latter nd of January, 21,000l. has been paid p, so that a great part of it still remains npaid. Of the former calls, only from 1000l. to 1500l. remains due. I state these hings, to show to the House that there as, at least, been honesty of purpose in hose who have subscribed to the work; nd that they are not persons who are esirous of changing their shares from ne day to another; but are bound by interest to the undertaking. The reason of ur coming to Parliament for 150,000l. nore arises from the price of land, of abour, and of iron, having been underestimated; and Honourable Members may well know, that, in almost all cases f great undertaking, the actual expense greatly exceeds the original estimate, — s is witnessed in the instances of the North Midland and the London and Birmingham railways. The power we now ask for is to raise 150,000l., and not 280,000l., as stated by my Noble Friend near me. The additional sum of 90,000l. is also required for locomotive carriages; but this sum was never considered, under the former Act; because it was not then understood whether the proprietors themselves would undertake the management of the conveyance, or allow it to be undertaken by others: therefore we always intended to come to Parliament again, if it were only for that purpose. The increase in the toll is only required to be, — for coal, from two thirds of a penny to seven eighths of a penny; and, for iron, from a penny to a penny and one third. Indeed, I scarcely know a single railroad on which the tolls are so low. At the half yearly meeting in February last, the directors considered it to be their duty to explain to the shareholders, as well as to the traders, the circumstances connected with this Bill; and the shareholders willingly agreed that those who had charge of it should proceed with it, and were perfectly satisfied that the clauses now introduced were essential for the completion of the work. It cannot, then, be said that the shareholders, in any degree, object to this Bill. On the contrary, it would be difficult to find one who does not concur in it. The importance of this measure is evident. Every one knows that there is no part of the kingdom where coal is so abundant, and so easily got at, as in Glamorganshire; so that it must be a very great advantage, provided there be a ready outlet at the sea, to afford every facility for its transmission to the coast. The iron traders, it is said, object to this Bill. Now, I say they have no reason to complain; for they will still have one of the cheapest modes of conveyance in the kingdom. They, at least, are willing that the main line should be completed; and that cannot be done without further powers. The coal proprietors heartily desire the Bill; and I sincerely hope the House will allow it to go to a Committee.

The House divided: — Ayes 129, Noes 126; Majority 3.

AYES.

Acland, T. D.
A'Court, Captain
Aglionby, Major
Alsager, Captain
Ashley, Lord
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bell, M.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, Hon. H.
Berkeley, Hon. C.
Bewes, T.
Blake, W. J.
Boldero, H. G.
Bridgeman, H.
Broadley, H.

Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruce, Lord E.
Buller, C.
Buller, Sir J. Y.
Butler, Hon. Colonel
Callaghan, D.
Clive, E. B.
Collier, J.
Collins, W.
Courtenay, P.
Darlington, Earl of
Davies, Colonel
D'Israeli, B.
Duncombe, T.
Du Pre, G.
Easthope, J.
Ellice, E.
Ellis, W.
Evans, G.
Fector, J.
Fitzalan, Lord
Follett, Sir W.
Fort, J.
Freshfield, J. W.
Gaskell, J. M.
Gisborne, T.
Glynne, Sir S. R.
Grattan, J.
Greg, R. H.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Heathcote, Sir W.
Hector, C. J.
Henniker, Lord
Herbert, Hon. S.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Holmes, W.
Howard, P. H.
Howick, Lord Visct.
Hutchins, E. J.
James, W.
Jenkins, Sir R.
Lambton, H.
Leader, J. T.
Lemon, Sir C.
Lister, E. C.
Lushington, C.

Lushington, Rt. Hn. S.
Mackinnon, W. A.
Marshall, W.
Martin, J.
Mathew, G. B.
Miles, P. W. S.
Morris, D.
Morrison, J.
O'Brien, W. S.
O'Connell, John
O'Connell, M. J.
O'Conor Don
Paget, F.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Pigot, D. R.
Planta, Rt. Hon. J.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Pusey, P.
Richards, R.
Roche, W.
Rundle, J.
Sanderson, R.
Seale, Sir J. H.
Sharpe, General
Somers, J. P.
Staunton, Sir G. T.
Stock, Dr.
Sturt, H. C.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Turner, E.
Turner, W.
Vere, Sir C. B.
Vigors, N. A.
Villiers, Hon. C. P.
Walker, R.
Walsh, Sir J.
Warburton, H.
Ward, H. G.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, Colonel
Wood, B.

Tellers.
Clive, Hon. R. H.
Divett, E.

NOES.

Alston, R.
Anson, Sir G.
Arbuthnott, Hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J. jun.
Baker, E.
Baring, H. B.
Baring, Hon. W. B.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Bradshaw, J.
Bramston, T. W.
Cholmondeley, Hn. H.

Chute, W. L. W.
Clerk, Sir G.
Colquhoun, J. C.
Coote, Sir C. H.
Copeland, Alderman
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Curry, Mr. Serjeant
Dalmeny, Lord
Darby, G.
Denison, W. J.
Duff, J.
Dugdale, W. S.
Duke, Sir J.
Dunbar, G.

Duncombe, Hon. W.
Duncombe, Hon. A.
Dundas, F.
Eaton, R. J.
Egerton, W. T.
Ellice, Captain A.
Estcourt, T.
Evans, W.
Farnham, E. B.
Feilden, W.
Fitzroy, Lord C.
Forester, Hon. G.
Gladstone, W. E.
Gordon, Hon. Captain
Goring, H. D.
Graham, Rt. Hn. Sir J.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Halford, H.
Hall, Sir B.
Hamilton, Lord C.
Hardinge, Right Hon. Sir H.
Hayter, W. G.
Hepburn, Sir T. B.
Hodgson, R.
Houldsworth, T.
Houston, G.
Howard, F. J.
Howard, Sir R.
Hume, J.
Humphery, J.
Hutt, W.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl
Jones, J.
Knight, H. G.
Knox, Hon. T.
Lascelles, Hon. W. S.
Liddell, Hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
M'Taggart, J.
Mahon, Lord Visct.
Marton, G.

Maule, Hon. Fox
Maunsell, T. P.
Muskett, G. A.
Norreys, Lord
O'Callaghan, Hon. C.
Ord, W.
Palmer, G.
Parnell, Rt. Hn. Sir H.
Perceval, Colonel
Philips, G. R.
Polhill, F.
Pringle, A.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rutherfurd, Rt. Hn. A.
Sandon, Lord Visct.
Sanford, E. A.
Scarlett, Hon. J. Y.
Sheppard, T.
Smith, J. A.
Smith, A.
Smith, G. R.
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Steuart, R.
Stewart, James
Stuart, Lord J.
Strutt, E.
Sutton, Hn. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Trench, Sir F.
Troubridge, Sir E. T.
Verney, Sir H.
Vernon, G. H.
Waddington, H. S.
Wall, C. B.
Wallace, R.
Wilbraham, G.
Winnington, Sir T. E.
Worsley, Lord
Wrightson, W. B.
Young, J. (Cavan)

Tellers.
Fremantle, Sir T.
Nicholl, J.

Main question put, and agreed to.

Bill read a second time, and committed to Mr. Mansell Talbot and the South Wales list.

PUBLIC BUSINESS.

Answer to Addresses for papers (19th, 21st, 24th, 25th, 26th, 27th, 28th February, and 3d, 5th, 6th March) reported.

RETURNS.

County and District Constables.—Return presented—of the names of the different counties in England and Wales which have adopted the County and Disict Constables Act (Address 29th Ja- uary.) — To lie on the table.

Lighting of the House. — Return pre- ented — of the expenses connected with ie experiments of the Bude light, from ie commencement to the present day ordered 25th February.) — To lie on the ible.

Emigration. — Copies presented — of ny Report, since the last laid before this louse, from the Agent General for Emi- ration, and of correspondence relative hereto (Address 3d March). — To lie on he table, and to be printed.

Governor General of Canada. — Ac- ount presented — of the expense incurred n the outfit, and other expenses con- ected with the mission of the Right Ho- iourable Charles Poulett Thomson, Go- ernor General of Canada (ordered 18th 'ebruary). — To lie on the table.

Vaccine Establishment. — On the mo- ion of Mr. Fox Maule, address for —

Copy of the last Report from the National Vaccine Insttution to Her Majesty's principal Secrctary of State for the Home Department.

Lagan Navigation. — On the motion of Mr. Emerson Tennent, copies of, or extracts, ordered —

From any correspondence between the Irish Government or the Treasury and the Commissioners of Public Wosks in Ireland, relative to the navigation of the river Lagan, and of any Reports made by the latter regarding it:

Copies of any Accounts furnished by the late company of undertakers of the Lagan navigation, relative to the receipt and expenditure of the same ·

Copies of any memorials relative to the same, forwarded to the Irish Government or to the Treasury, from the town of Belfast, or from other parties in Ireland, within the last two years, and of the answers thereto:

Copies or extracts of any other documents, correspondence, or accounts relative to the said navigation, from the year 1814 to the expiration of the Lagan Navigation Act in the year 1835, inclusive.

SALE OF BEER BILL.

Second reading deferred from Wednesday, 18th, till Wednesday, 25th March.

BANKING.

Petition, presented by Mr. Grote, of William Augustus Kentish, for the establishment of a bank on national account, to supersede the Bank of England and of Ireland. — To lie on the table.

LEAVE OF ABSENCE.

To Mr. Villiers Stuart, a month, — illness.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Petition from Hubberston, against. — To lie on the table.

PRINTED PAPERS.

SIR JOHN WALSH. — Sir, I beg leave to say that the motion of which I gave notice for this evening, to the effect that the question of privilege now in dispute ought to be determined by a legislative enactment, being, in my opinion, put an end to by the Bill which the Noble Lord opposite has introduced, I do not feel myself called upon to proceed with it. At the time when I placed the notice on the book, that motion was not so superfluous as it now appears. I should not have attempted to forestall the Noble Lord or the Government, if I could have had the slightest idea that he intended to take up the subject; but it was impossible for me, after the speeches of the Noble Lord, to suppose that the Noble Lord would so soon after have adopted that very principle which I was anxious to have pressed upon the House, although, at the time I gave the notice, I expected I should have had to do so against the declared intention of the Government to oppose it. I shall not detain the House longer upon that point; but I cannot sit down without offering one observation in reference to what fell from the Noble Lord the Member for Northumberland on a previous occasion; and that is emphatically to repudiate and repel the charge, that the course adopted by Honourable Members on this side of the House has been dictated by any desire to degrade or lower the character of this House. From the turn which affairs have taken, Sir, I do not feel it necessary to proceed with the motion of which I gave notice.

SIR E. SUGDEN. — I wish to ask the Learned Attorney General whether he has any objection to lay on the table of the House the particulars of the actions referred to by the second section of the Bill?

The ATTORNEY GENERAL. — The particulars are merely these: — Some persons employed by the Sergeant-at-Arms have been served with writs, but no further proceedings have taken place.

BANKING ESTABLISHMENTS.

The CHANCELLOR of the EXCHEQUER. — Sir, in moving, in the words of the notice, for a "Select Committee to inquire into the effects produced on the circulation of the country by the various banking establishments issuing notes payable on demand," I shall not trouble the House with any long statement; but I feel that the question is of so much importance, that it would be disrespectful in me if I were not to state the grounds on which I consider I am justified in recommending to the House the appointment of that Committee, and why I think the House is justified in acceding to that recommendation. As I understand, too, that some erroneous impressions exist as to the nature of the Committee, and the inquiry it is intended to make, I feel it my duty to give such an explanation as will remove that misunderstanding. With regard to the propriety of appointing this Committee, I would first call the attention of the House to the state in which the Bank of England's charter rests at this moment. The House will recollect that Earl Spencer, when Chancellor of the Exchequer, recommended, and carried in this House, the renewal of the charter for a certain period; but, at the same time, made it terminable at the expiration of ten years, on notice being given to the company of the Bank of that intention. That notice must be given in 1844; and if Honourable Members consider the necessity there is for legislating on the subject, — if they observe that the notice must, in point of fact, be given by a resolution of the House, — I apprehend that the latest period at which we can enter upon an inquiry of the matter, whether such notice should be given or not, will be in the beginning of 1842. In addition to that, the House will recollect, that the Bank of Ireland's charter is now continued only by an annual Act. In the course of last year, Lord Monteagle brought in a Bill to continue that charter to a certain extent; but, on that occasion, the whole object of the Bill was to make the Bank of Ireland's charter conterminous with that of the Bank of England; so that the entire question might be the subject of inquiry, and the House might have before it the whole subject of the circulation and currency of the country at the time the renewal of the charters would come under consideration. I state this, in order that the House may see that an inquiry of this nature must be in a very short time forced upon it. It cannot avoid that inquiry; the state of the law of the country renders it inevitable; for I do not conceive it is possible to enter into a fair and proper inquiry touching the renewal of the Bank of England charter, without going, at the same time, into the whole subject. It is not possible to decide a question of this nature, by considering whether the Bank of England has exercised with discretion the powers vested in it; for a question so important does not rest on the conduct of the Bank. But, even supposing that the Bank of England has exercised its powers with the most perfect discretion, there remain the still more important questions, whether the powers which were given to it have been exercised for the public good, and whether it is expedient that the Bank should continue to possess those powers; and it seems to me impossible to give those questions due consideration without going fully into the subject, and reviewing the whole question of the paper circulation of the country.

That is one ground on which I consider it advisable for the House to appoint a Committee to investigate a matter which must of necessity come before the House within a short period; but it is not the only ground on which I venture to propose the appointment of such a Committee. I am not inclined to overrate the importance of public feeling on matters of this kind; but it appears to me, that not only the public in general, but those persons whose attention has been most turned to the subject, and whose opinions are, therefore, most worthy of consideration, are desirous that this question should come under the investigation of Parliament. It is my determination, in the course of what I have to say, not to enter into any charge against the one or the other establishment, but to come to the inquiry in a fair and candid spirit, looking only to the real advantage of the country. Of course, it will be necessary to inquire into the facts of former transactions; but only with the intention of finding, if possible, a remedy for the evils that exist. If you look to what may be considered the means you possess of obtaining the sense of the public mind, you will find that, whatever may be the opinions of parties, —whether they attribute the difficulties the country has had to go through to the conduct of the Bank of England or of other banks,—I think you will find that there does exist on the minds of the most intelligent and best informed persons a strong impression that the present system requires revision and alteration. Even since I gave notice of this motion, I have had additional proofs of the anxiety with which the public look to it; and this I consider another fair and most important reason why the House should not hold itself deaf to wishes so expressed, but should take an early opportunity of giving its attention to this subject. I do not mean to enter fully into the history of former transactions; but when I look to what has passed since the renewal of the Bank of England's charter,—when I recollect the difficulties of 1836 and 1837, the ruin that was then occasioned, and the pressure which the commerce and manufactures of the country underwent at that time; and that, very soon after,—within two years,—the country suffered, if not a crisis of the same difficulties, yet a very severe pressure—(from which, however, I trust it is now recovering, and the effects of which, I trust it will not much longer feel);—recollecting these things, I do say, that the desire of the country is not unreasonable, and that the House ought to give way and accede to the appointment of the Committee. If I may be allowed, I will state, in addition, another reason which induces me more particularly to select this time for an inquiry of so important a nature. I do not know if I be right; but, as far as I can judge of the temper with which the public approach this question, I do not recollect a period when, as it appears to me, they have approached it in a more fair and candid spirit than now. They are aware of all the difficulties attendant on it, and merely request, as prayed by the petition presented to the House this evening by an Honourable Member, that we should appoint a Committee to inquire into the subject. They state the grievances under which they abour; they are anxious to place the investigation in the hands of the House; and they look to the House, if possible, for an adequate remedy for those grievances. I think it is not unwise for the Legislature to take up the inquiry at a moment like this; for if it be left any longer unconsidered, we shall have to bear with recriminations and attacks, and shall find he difficulties of effecting any alteration daily increase; whereas, if we now take t up, at a moment when the public are anxious we should interfere, they will ook with anxiety to our councils, and be disposed cheerfully to receive what we may offer in the way of assistance. It must be remembered that we have to instruct ourselves and the public on this mportant subject; and it is vain to expect hat we can do so properly without inquiring into it, and ascertaining the opinions of men who have given their attention to the question. If we look to the history of our Reports, we shall find that there is no subject upon which more benefit has arisen to the public mind, from inquiries which have taken place before Committees of the House of Commons, than that now before us. Mr. Loyd, in his late pamphlet on the subject of banking, has alluded to that circumstance; and I really think we may attribute all sound measures in this House to inquiries made by Committees, which act on public opinion, and which, though they may not be immediately successful, carry with them ultimate conviction, and bring forth fruit in due season.

I should have almost thought it unnecessary for me to give any explanation as to the nature of the inquiry which I propose, if I had not heard that there is an impression abroad the this inquiry is intended specially to decry certain banks; and that the Bank of England will be altogether excluded from it. I certainly thought that the words of my motion were explicit enough to prevent any misunderstanding of that kind; but, as that impression has gone forth, I beg leave to state that, undoubtedly, I have no intention of appointing this Committee, with a view of making any attack on any particular bank whatever; and that, in point of fact, my anxious wish has been, so to frame my motion as to make the inquiry a general inquiry into the system, and not an inquiry directed against any particular quarter, against either joint stock banks, or private banks. On the other hand, as to the Bank of England being excluded, it certainly appears to me that an inquiry into the paper circulation of the country and banks of issue, without any inquiry into the Bank of England. would very much resemble the play of *Hamlet*, with the part of Hamlet left out. Now, to inquire into the paper circulation without looking into the conduct or principles of that body, never entered my mind. I should be unwilling to preclude the Committee from entering into the inquiry which is fairly necessary under the words of my motion, and it certainly appears to me that, with regard to the Bank of England, there are many points which naturally will come under the consideration of the Committee. There are many points in the late charter which are new, and to which the Committee will have to give their best attention. They will have to consider the principles on which the Bank was adopted, and whether those principles have been adhered to. They will also have to consider the system of its branch banks, and the arrangement with banks of issue in connection with it. That question was much discussed when the charter was renewed, and is one of considerable importance. There is, also, for consideration, that clause in the Act which renders notes of the Bank of England a legal tender; and, lastly, a point which is now in the charter, the averages of the Bank of England. Much discussion took place on this point, and much fear and alarm were, at the time, expressed at letting the public into the secrets, as they were called, of the Bank. We have now had some experience on that point, and may proceed to consider whether the expected advantage has been derived from it; and if anything turns out to show that the alarm was unfounded, whether the Returns, as they are made at present, afford to the public that information which it is intended should be given to them. These points I mention as worthy of consideration; but I am perfectly aware that there must come under consideration questions much more important. The first of these relates to the existence of the Bank, — to such points as those of its having any peculiar privileges, — whether that existence is right and proper, and whether it would not be a more advisable course to introduce a system of what is called "free banking." If you say that the Bank is to exist, then there is the question, whether it has sufficient power to perform the functions which you think it should perform; and, on the other hand, you will have to determine whether it be not advisable, at this moment, to re-construct the whole system, and to have but one bank of issue. Those are points which have been discussed by men whose opinions are well worthy of consideration, and to which the Committee will have to turn its most serious attention. I am well aware that these are most important and grave matters; but the House must recollect that they are matters which will be forced on them before long, whether they be willing or not to consider them. In my opinion, it is by far the wiser course to inquire early into the subject; so that we may be informed, and that the public may be informed, also, of the questions that are to come before us, and upon which we shall be called to legislate for the interests and security of, I might say, every man in the country. There is one other point to which I wish to allude, before I sit down, and that is the Bank of Ireland. The House will recollect that Lord Monteagle, in the last Session, introduced a Bill for the purpose of continuing the charter until such time, only, as a decision might have taken place with regard to the Bank of England's charter; and if I were now called upon to bring in a Bill on the subject, it would be on the same principle as that which was brought in by Lord Monteagle. The only difficulty which prevents me from now bringing in such a Bill is this, — that to introduce a measure which would tie up the hands of Parliament for four years, at the very time we are about to enter upon an inquiry into the whole subject, would be an inconsistency. My intention, therefore, is not to introduce any such Bill at the present moment, but to bring the question fully before the Committee, and to obtain their opinion as to the course which it will be most advisable to adopt. Some Bill must, of course, be passed upon the subject, before the end of the Session; but I am anxious to introduce such a measure as shall not be inconsistent with the opinions which the Committee may come to. On these grounds, I hope no objection will be offered to the appointment of the Select Committee I have moved for.

Mr. GISBORNE. — I do not rise to object to the present motion, but to observe that the Chancellor of the Exchequer has not stated any reason why the inquiry proposed to be instituted should not apply to all banking establishments, whether issuing notes payable on demand, or not. I do not see why joint stock banks, not issuing their own notes, should not be equally subject to inquiry; for it is quite a mistake to suppose, because these establishments do not issue notes, that, therefore, they produce no effect upon the circulation of the country. It is scarcely possible to refer to the various existing bargains between the Bank of England and joint stock banks, without coming to the necessary conclusion that the existence of these establishments must produce a very great effect upon the circulation of the country. These establishments are tempted to abstain from issuing notes of their own by the engagement of the Bank of England to discount their bills; and the consequence is, that when the Bank of England is in easy circumstances, as to the supply of gold, these joint stock banks always have the opportunity of supplying themselves, without making application to the Bank of England; but, when the reverse of the state of things exists, and the Bank of England, having but a small supply of gold in its coffers, is compelled to advance its rate of interest, and to demand 5 or 6 per cent. from its other customers, — at such a time, the joint stock banks call for the whole amount to which they are entitled, by their bargain, and obtain it, at a very great advantage; for they receive it from the Bank at 3 per cent., while they issue it to their customers at 5 or 6 per cent. This is so great a gain as to induce the joint stock banks, at such a period, to take the whole sum for which they bargained. The system of oint stock banks acts, further, very materially upon the circulation of the country, by the bills which these banks are the means of bringing into the market. I think it will be found, upon inquiry, that the banks of non-issue are far more mprovident, on the whole, than others. I, for one, from being a shareholder in a arge banking establishment, which does not issue its own notes, can speak, from experience, upon this point; for that bank has lost no less, in the course of three years, than half a million of money by bad debts. They made advances to one firm alone to the amount of 350,000*l.*, that firm never having had property, n any shape, to the extent of more than 40,000*l.* or 50,000*l.* I want to know, then, with such facts before us, why these non-issuing banks should be left out of the inquiry; and why it should not, rather, extend to the operations of banking, generally, throughout the country? There is another point which I think is also deserving of consideration in the proposed Committee. In the Bank Charter Act is a clause restricting all banks, having more than six partners, from accepting bills having more than two months to run. This, I think, it would be well to inquire into. I would therefore suggest to the Chancellor of the Exchequer, that he ought to word his motion more generally, — say, for instance, o "inquire into the operation of the system of banking in the United Kingdom, as by law established." That wording will let in no questions which it is not desirable to inquire into, and will avoid casting out something of an imputation that banks which do issue notes are worse conducted than those which do not; and will bring the whole subject, and the great object we have in view, more completely before us, than the motion of the Right Honourable Gentleman can do. I hope, too, that care will be taken in nominating the Committee; o select members of sufficiently varied sentiments upon these subjects. The opinions of most Honourable Members, who take an interest in these questions, are known from their speeches; and I hope that the same fault will not be committed on this, as has been committed on former occasions, of appointing none but Honourable Members who entertain one set of opinions.

Mr. JOHN ELLIS. — I do not rise, Sir, to oppose the motion, but merely to make one observation with regard to what the Right Honourable Gentleman has said on the subject of the Bank of Ireland. I understood the Right Honourable Gentleman to say, that if he were left to himself, he would renew the measure brought in, last year, by the then Chancellor of the Exchequer (now Lord Monteagle), while, at the same time, he proposes to regulate his future course by the opinion of the Committee for which he now moves. Now, I protest against the Right Honourable Gentleman thus shrinking from what he considers to be the duty of his office, and transferring its responsibility to others.

Mr. HUME. — Sir, I think that the objection of my Honourable Friend the Member for Carlow, as to the restricted nature of the proposed inquiry, is a groundless one, so far as the matters go to which he has referred; and that all the topics referred to by my Honourable Friend will be open to the inquiry of the Committee. I apprehend, however, that one of the principal objects in proposing an inquiry of this sort is, to put an end to that ever-varying state of currency which arises from the conduct of establishments having power to issue paper in lieu of money. But there is this additional question, which, I think, the Committee should consider, — namely, whether our currency is a correct one, or not. So important are these points, as relating to the subject of banking, that if the Committee be not at liberty to go into them, I fear their labours will be, in a great degree, useless. I certainly entertain a different opinion, now, from what I did some years ago, respecting our present system of currency, composed as it is of metal and paper; which change has arisen from a more attentive consideration of the subject. Since the year 1791, when a metallic currency was fixed in France, there has been very little variation in the exchange there. In proportion as the Bank of France endeavoured to force the circulation of its paper, it found that it was disliked; so much so, that, in the provinces, their notes are never met with of less amount than 250 francs, and, generally, not less than 500 francs; and then there is little favour shown to them. So completely are the French people satisfied with their metallic currency, and so little doubt or dispute exists on the subject, that, since the year 1791, up to last year, as I am informed, there have not been published more than five pamphlets on the subject of currency; whereas, so different is the state of the public mind in England on the subject, that Mr. Richardson, the bookseller, of Cornhill, has printed and sold no less than 2000 pamphlets on the currency question, within the last two years and a half.

[Cries of "Oh, oh!"]

I have been informed that that is a fact—2000 different publications on the subject of the currency in the course of two years and a half! Why, there is scarcely a morning in the year that we do not see or receive a new paper or publication on this subject. I am one who believe that the basis on which our circulating medium is founded is not a correct one; and I wish to know whether the Chancellor of the Exchequer considers that the Committee will be at liberty to make inquiry upon this part of the subject?

I hear an Honourable Member ask whether I mean to adopt "the little shilling?" I mean no such thing; but I think it is worth while considering whether gold and silver may not be made a joint tender. Some are of opinion that such a system would lead to very beneficial results. So far am I from wishing to clip the King's money, that I have always contended against it whenever such a course has been proposed. I now go further, for I am almost a convert to the opinion, that there should be no currency but a metallic one. The ruinous events of 1825 and 1826, and of 1836 and 1837, which produced a loss to private individuals amounting to, I believe, 50,000,000*l*., convince me of the necessity of inquiring whether a metallic currency ought not to be introduced. I wish, therefore, the Right Honourable Gentleman to state his views upon this point, and also whether he proposes to inquire if the present basis on which the currency is founded be sound, or not. If such be not the Right Honourable Gentleman's intention, the proposed Committee will be as useless as the last which was appointed to inquire into the operation of joint stock banks.

Mr. GROTE. — I agree with the Right Honourable Gentleman who has brought forward this motion, that the present moment is peculiarly appropriate for the proposed inquiry. Independently of the importance and magnitude of the subject, there are, at present, circumstances of a peculiar nature which render it the bounden duty of the House to institute an inquiry. We have just escaped a serious crisis in our monetary system; and, with the events of that crisis fresh in our minds, we are bound to take the earliest opportunity of placing the currency of the country upon the safest and surest basis. I am sure that Gentlemen who have attended to the events of last year will own that, if the causes of the decline of our foreign trade had been a little more aggravated during that period, the consequence to the country would have been very serious. I think, however, that it is not advisable to introduce words into the resolution, in conformity with the suggestions of the Honourable Member behind me (Mr. Hume). Such words would be understood in a larger meaning than any which that Honourable Member intends to denote by them. The Honourable Member has argued, that the currency in France is established on a sounder basis than in this country, because a greater number of pamphlets have been published in England upon the subject of the currency. Now, I think that, when so many works are written upon a subject, there is good reason to conclude that, the most intelligent men in the country having directed their thoughts to that subject, there is greater chance of coming to a correct decision upon it than there can be in France, where no attention has been paid to it. It is not my intention to discuss the various theories which have been proposed upon the question of the currency, as I do not think the present a fitting occasion for such a discussion. If there is one benefit which is to be anticipated, more than another, from the discussions which will attend the inquiry now proposed, it will be the more accurate understanding and appreciation of what the real obligations of the Bank of England, with reference to the currency of the country, are. Scarcely two persons are agreed upon the question of what the Bank ought to do for the purpose of regulating the currency: so that, while every one is calling upon the Bank to do its duty, no one can say, with certainty, what that duty is; and the directors are held responsible for evils which, in all probability, do not arise from any mismanagement on their part. I think that, though the Bank of England may be found open to some censure, yet that it will also, by this inquiry, be rescued from a great deal of undeserved complaint; and that it will be found that a large portion of our monetary difficulties have not been of the creation of the Bank of England, though earlier and more prudential precautions on their part might have lightened them. But, if Gentlemen will feel bound to explain what they mean by the Bank of England regulating the currency, —that being understood, and that duty being imposed upon the Bank of England, — we shall be able to avoid, for the future, much of that vague declamation against the Bank of England, as a body of monopolists, by which the true merits of this question have been too often deviated from. There is another point, also, to which some attention ought to be paid, — namely, the magnitude of the Bank reserves of bullion. It would appear that each Gentleman has an imaginary standard of his own of what the amount of bullion reserved ought to be; and yet no attempts have been made to define clearly what proportion ought to exist between the liabilities and the reserves, so as to enable the public to form an intelligible opinion on the matter. I think that this good will result from the inquiry, — that it will set these points before the public in a clear and intelligible point of view. Unless the country and the Bank be made aware of the principles on which the monetary operations of the country are, in future, to be conducted, it is impossible that they can fulfil their relative duties towards each other. I think, also, that the country bankers are bound to comply with the injunctions of the Bank of England as to the supply of currency; and, unless some definite understanding shall be come to as to the principles upon which the Bank of England itself ought to go, in this matter, it will be impossible to expect any stability of system in the result. There are other points to which the Committee should direct its attention, with a view to giving a decided opinion; as, for instance, to what extent the Bank of England would be justified in administering the currency, with a view to the support and protection of trade; enlarging the currency, not according to the rules of proportion between the bullion and reserves, but as the means of preserving extensive commercial engagements from distress and ruin. I will not go into this point now; but it is one which I think the Committee should give its attention to, in order to afford to the public an intimation of the rules which should guide the Bank of England on future occasions of the kind. My Honourable Friend has complained that the previous Committees appointed on joint stock banks have led to no results. I do not think that this complaint is borne out by the fact. It was in 1832, under Lord Althorp, that the Committee on the Bank of England was appointed; and, since that period, a better system has been adopted for the management of the Bank of England than had ever existed before. On that occasion, very valuable evidence was laid before that Committee by Mr. Horsley Palmer, and other men eminently well acquainted with the monetary concerns of the country. The appendix to the Report of that Committee contained a great mass of valuable documents as to the state of the monetary circulation of the kingdom. I anticipate that the present Committee will derive great assistance from having those documents laid before them. On the former occasion, it was determined that the affairs of the Bank of England ought to be managed on a fixed system; and the attention of the Committee was directed to what that system should be. The publication of the Bank Returns was one very material point effected, on that occasion, by the labours of that Committee. With respect to the Committee now about to be appointed, I apprehend that a great number of documents will be laid before them, which will afford them the means of refuting many public errors, and eliciting many important truths, on the subject of banking. There is another point to which attention should be directed, — namely, the propriety of combining or separating the issues and deposits. This is too large a question to enter upon at present; but it is one deserving of great attention; and no doubt many arguments might be adduced on the subject. I think, whatever may be done in these matters, it will be done much more satisfactorily from being the result of an inquiry like this, than it would be otherwise. I am glad that this inquiry is not to be directed either against the Bank of England, or the joint stock banks, or the private banks. I am satisfied that much useful information will be elicited, from which all parties will derive much useful information. I shall therefore be very glad to lend my support to the Right Honourable Gentleman in voting for this Committee; and I hope it will be conducted in that fair, full, and candid spirit which the Right Honourable Gentleman has prescribed.

Mr. M. ATTWOOD. — I do not think that Banks of issue operate more upon the currency than other banks, so as to produce a prejudicial effect. A great part of the paper currency of the kingdom consists of bills of exchange not payable on demand; but payable at one, two, or three months after date. Now, this kind of circulation is capable of great extension, and is as capable of affecting the currency as the issue of promissory notes payable on demand. Thus, if we take the case of the county of Norfolk, we shall find that the paper circulation consists, nine tenths of promissory notes payable on demand, and one tenth of promissory notes not payable on demand; whilst, in the county of Lancaster, the very reverse is the case. There, nine tenths of the paper circulation consist of notes not payable on demand, and one tenth of notes payable on demand. Now, I ask whether a currency of this kind is not as capable of affecting prices and encouraging speculation as a currency consisting of notes payable on demand? I think the inquiry ought to extend to the circulation generally; and I think it will be shown to the Committee that the circulation of the country is, at one time, greatly raised, and, at another time, as greatly depressed. The Right Honourable Gentleman the Chancellor of the Exchequer did that which, in his statement, he told us he would not do. He told the House that it was not his object, in proposing the Committee, to relieve himself from a difficulty by throwing the responsibility of any future measures on them: but his conduct was directly contrary to his statement; for he appears to have moved for this Committee because he found, on the part of the public, some desire for legislation on this subject. In my opinion, the Right Honourable Gentleman, on the part of the Government, is bound to propose some measure about it; for the country is quite tired of the proceedings of Committees. The Honourable Member for London has said that the Committee of 1832 did much service, in pointing out the means of avoiding danger; but yet there was a panic in 1836, and another in 1839; both of which occurred since the appointment of that Committee. It was stated by the Honourable Member that the importation of foreign corn was the cause of those panics. This assertion might be made with some show of reason as to the panic of 1839; but how can it be justified by that of 1836? There is something radically wrong in our whole system. The Right Honourable Gentleman the Chancellor of the Exchequer should not include a great many subjects in his motion for a Committee, and abstain from giving any opinion, himself, on the subject of the currency. What the people of this country want, is a Government which will pledge itself to carry forward some decided measure that shall prevent the ruinous fluctuations which have taken place of late years. I very well know the difficulties that beset the question; but nothing short of a decided measure will satisfy the country.

Mr. CLAY. — I quite agree with my Right Honourable Friend the Chancellor of the Exchequer, that, generally speaking, the Government should not shift the responsibility of any change in the monetary system of the country, upon any Committee; but still I think the subject is one which it is particularly proper to refer to the investigation of a Committee. I differ from the Honourable Member for Whitehaven, in the opinion that useful results have not been obtained from inquiries of this nature. In the first place, let me tell him, that the appointment of this Committee is in conformity with precedent. All the great alterations which have been made in our monetary system were preceded by the inquiries of Committees. I need only refer to the analogous Committees of 1810, 1819, 1826, and again, that of 1832, which preceded the renewal of the Bank of England's charter. I am disposed to think that the Legislature were right in the course they adopted on those occasions; for if there is any question which it would be difficult to handle in discussions in this House, it is a question connected with an alteration of the currency. I believe that, within the last few years, public opinion has been taking a right direction, with respect to this question; but still I do not believe that there is a sufficient concurrence of opinion on the subject, or that the country is prepared for legislation upon it, without previous inquiry. The Honourable Member for Whitehaven has said that there is something radically wrong in the monetary system of this country; and I agree with him. But the solution of that problem is not so easy as the Honourable Member imagines; for it has occupied between twenty and thirty years of the experience and attention of the two greatest commercial countries in the world, — England and America, — and it has not been satisfactorily solved as yet. With respect to the Bill of 1819, brought in by the Honourable Member opposite, it has ever engaged my approbation. I have never heard anything deserving the name of argument to show that any of the evils, which are attributed to it, have followed from that measure. In that measure, we carried out the principle of the legal and immediate convertibility of paper. In 1826, a violent crisis took place; subsequently, in 1837 and 1839, panics occurred in the country; and with all our experience, and though we had a wealthy and powerful bank, exercising a large control, we were, nevertheless, unable to solve the problem to which the Honourable Member has alluded. America pursued a system opposite to ours: — there there are no private banks, but many joint stock banks, eminently powerful and wealthy, and conducted on sound principles; and yet America has not escaped a crisis even more alarming and mischievous than ours. I do not express any opinion on the subject; but I think that it is a fit one to be referred to a Committee. I do not see how it will be possible, without preliminary inquiry, to bring forward any measure, with respect to our monetary system, with any chance of such measure proving satisfactory. The history of the last five years is full of instruction; and one result of this Committee will be, that it will enable us to put on record the principal facts connected with the changes that have taken place during that period. On those grounds, I think the Government are justified in not attempting any change in the monetary system of the country, until after previous inquiry. The Honourable Member for Carlow has said that banks of deposit, as well as banks of issue, should be included in the inquiry; but, for all practical purposes, they are so included, as the Report of the Joint Stock Bank Committee will be referred to the present Committee, on their appointment. To go, however, as far as the Honourable Member wishes, would be to make the motion too vast and too unwieldy. I disagree with the Honourable Member for Whitehaven, that joint stock bank Committees have led to no results; on the contrary, they have produced the most beneficial results, by communicating information on the subject of banking, until our times generally unknown. I anticipate that the labours of the present Committee will be attended with the best effects; and that we shall legislate with more advantage after the inquiry, than we could without it.

SIR R. PEEL.—Sir, I think the utility of the Committee will entirely and exclusively depend on the manner in which it will be conducted. It is very easy to say, "there ought to be a full and comprehensive inquiry;" but I can easily conceive that such an inquiry may be made so full and comprehensive as to be rendered of no practical value. It is easy to encumber a Committee with details, and to overwhelm it with minute particulars; but these are not what is wanted. What we want is, to appoint a Committee, and to conduct its inquiries into subjects which will repay the trouble and attention to be bestowed on them. For instance: one of the chief objects of the Committee should be an inquiry into the probable state of the circulation at the expiration of the Bank charter, and to ascertain what directing power should be substituted in place of that body, so as to occasion as little confusion as possible. It is quite evident that this is one subject which practically leads to most important considerations, in connection with the circulation; and that, therefore, it should be attended to with the greatest care. If the inquiry undertaken by the Committee be of a vague and general and desultory nature, then I predict that its results will not be attended to, and the attendance of Members will be limited; and the commercial portion of the community will be quite dissatisfied with it. But if the Committee of 1832 be taken as an example, — if the statements of such persons as Mr. Horsley Palmer, and others well informed respecting the intentions of the Bank of England on that occasion (to divide its capital into three parts, of which one third was to be bullion), be made a basis on which to ground your inquiries, — then you will be entitled to the praise of having proceeded to work in a practical way; and the probability is, that you will arrive at some important results. If, however, you extend your inquiry into matters minute and trifling, as compared with the great subjects you are called on to deal with, — if you go into the particulars of the management of this or that bank, as the Joint Stock Bank Committee did; or as to how this bank or the other was conducted, — then, let me tell you, that your inquiry will be fruitless, and that your labour will lead to no useful result. Inquire, if you will, — and I think it is a subject which will well repay inquiry, — into the nature and effects of limited responsibility in banks of issue, as compared with unlimited responsibility. Let us exhaust that subject before we begin another; and we shall have done good service to the country at large, if we only deal with that one topic. But let us not confound ourselves in the labyrinth of minute details and petty particulars; or, as I have said, we shall only encumber ourselves in our course, and end without advantage to any party. The terms of the motion answer the views of the Honourable Member for Carlow, and fairly open the subject which he wishes to have investigated. He says that some joint stock banks are banks of issue for the Bank of England, emitting its notes, while they profess to be only banks of deposit. I think that is a very proper subject for inquiry; and, as I have said, the terms of the motion embrace it. As you do admit inquiry into the conduct of the Bank of England, you must, also, by a parity of proceeding, admit it into the conduct of those banks which issue its notes, whatever their ostensible form may be.

It appears to me that every act of the Bank of England, with respect to the circulation, is included in the terms of this motion; and, therefore, that every act of its agents is equally included. The Honourable Member for Kilkenny purposes to extend this inquiry into the basis of the currency. "I would go," says the Honourable Gentleman, "further than the present currency;" but, in my opinion, you cannot think for a moment of superadding such onerous duties to those already apportioned to the Committee, without materially impairing its possible efficiency. You cannot, moreover, extend your inquiries into the state of the currency without leading the public at large to believe that the mind of Parliament is not yet made up on the subject, but that it is in a state of vacillation, uncertainty, and doubt. And, however cogent may be the reasons, or however plausible the arguments adduced, in favour of such an extension of the powers of the Committee, in favour of such an inquiry, I, for one, will not agree to it; because I look upon it that Parliament, in 1819, solemnly adopted the present metallic currency as the currency of the kingdom, and that it should not now be changed. If you consent to such an inquiry, you will unsettle the public faith in your stability of purpose, and you will leave an impression on the public mind that your acts are not permanent or lasting on subjects the most important to the welfare of the country. I hope, therefore, that the Right Honourable Gentleman the Chancellor of the Exchequer will never consent to such a course as that suggested. But the Honourable Member "would go farther," as he says, "than those who support the present metallic standard." He would abolish, in short, the whole paper currency. Surely the Honourable Gentleman cannot have given the subject a moment's consideration, or he never would make such an absurd statement. You may abolish 1*l.* notes and 2*l.* notes, and, if you will, 5*l.* notes; but you cannot abolish the paper currency of the country, do what you will, unless you at the same time determine to destroy public credit. What is a promissory note? A paper promising to pay twenty sovereigns at a given time and place. How will you abolish this kind of circulating medium? If you abolish paper currency, you must abolish promissory notes; and, if you abolish promissory notes, what becomes of commercial credit? In fact, Sir, it is utterly impossible to do as the Honourable Gentleman desires, without reverting to the first principles of traffic among barbarous nations, — the practice of exchange and barter. It is therefore I say that the Honourable Gentleman could not have considered his observation when he made it. There is great truth in the remarks of my Honourable Friend, that the prices of articles are not affected by paper, payable on demand, but by other paper, also. But to entertain that question would lead the Committee into an interminable labyrinth of inquiry, altogether beside its present purpose. If it be found desirable, hereafter, to extend the limits set to the inquiry by the motion, then it will be better that the Committee should call for extended powers, rather than that the House should impose on them, in the beginning of their labours, a task the end of which cannot be foreseen, and the difficulty of which is almost insuperable. I think, as I have said, it is far better that the Committee should address itself to one subject at a time, — for instance, the way in which the circulation is affected by the issue of notes payable on demand, — than embarrass itself with a variety of topics. That is one of the most important topics that can come before it; as is also the question of the difference between banks of issue and banks of deposit. These questions will force themselves on the Committee, and it will be well that they should deal with them first. The Honourable Gentleman the Member for Kilkenny aims at the introduction of a system of currency in this country similar to that of France; in which so large a portion of the precious metals is employed. Now, I do not think that it would be possible to establish that plan, without effecting a great change both in our mercantile and financial relations. But this discussion is rather premature. It will be time enough to enter into it when we have the question of the settlement of the Bank charter before us. Then its discussion may be useful; but such a system argued in reference to joint stock banks can do no good. I trust that the Chancellor of the Exchequer, as the representative of the Government, will, in the first instance, direct the attention of the Committee to one great practical object.

otherwise, I would, for my own part, infinitely rather the Government would undertake the settlement of these questions, than leave them to a Committee; which, in the hour of trial, would leave all the responsibility to fall upon Government, and shrink from action when it might be most necessary, and when it might be most usefully existed.

Mr. C. WOOD.—I do not concur in the opinion that the currency of this country could be conducted with the same proportion of the precious metals as is the case in France. On the contrary, I believe it would be impossible to carry on the circulation of this great country without a large proportion of paper. As to putting down the 5*l.* and 10*l.* notes, I, for my part, do not consider such a measure desirable. I do not think that the absence of pamphlets, with respect to the currency n France, is any proof of the superiority of the monetary system of that country. Opinions, the most various and contradictory, certainly, are to be found in pamphlets published at this side of the water; some stating that the issues of the Bank of England regulate all prices throughout he country, and cause the fluctuations n the currency; others, asserting directly he reverse:—a conflict of opinion which proves the great necessity for an inquiry nto the state of the currency,—which, however, I think ought to be limited to he date of 1832. I think that the inquiry, hus limited, could not fail to lead to the most valuable results. The Right Honourable Gentleman (Sir R. Peel) has suggested, that it would be useful for the Committee to inquire how far the Bank of England has departed from the rules aid down for its guidance in 1832. I hink that nobody can deny that the Bank has deviated from those rules. Nobody can ook at the Bank Returns without being convinced of this fact. The Returns do not give the information that is required; and it would be of great importance that we should have before us the experience of the last five years, from which, no doubt, the most useful lessons might be derived. It would be of importance that he inquiry respecting those years should be made whilst the facts are fresh, and when the necessary evidence could be easily procured. I believe the inquiry will lead to the most practical results. I believe it will be beneficial to the Bank of England itself, and will relieve it from many of those imputations that have been cast upon it; and I believe, also, that it will be beneficial to private banks, as affording hem information as to the principles on which the operations of the Bank of England are conducted. I agree with the Honourable Member for the Tower Hamlets, that all the great improvements that have taken place in the circulation have proceeded from Committees of this House. I am sure that when, on sufficient investigation, all the facts are established, the members of the Committee will carry to those facts the application of the most enlightened principles.

Mr. HAWES.—I hope that this inquiry will be of a thoroughly practical character. However, the tendency of the speech of the Right Honourable Baronet the Member for Tamworth, as well as of the terms of the motion, go to limit the inquiry, in my opinion, somewhat too strictly. I think it will be impossible to shut out from the inquiry, not only the general question of the currency, but one or two collateral questions. I think it will be quite impossible to shut out of any general inquiry into the currency a parallel one into the condition of the law of partnership, to enable us to come at just conclusions with respect either to the banks of issue or of deposit. I think that the pamphlets by Tooke, by H. Palmer, by Jones Loyd, and by Ricardo, contain much sound and valuable information, and comprise nearly as much as a Committee would be able to attain by the most industrious inquiry. The question of a single bank of issue, is one of great importance; and it is of moment to consider thoroughly the points whether it is to be independent of Government, and what privileges it is to be allowed. As to the high prices of gold at times, I do not see why the loss should fall on the public, or a bank of issue, instead of on the persons who want it. Though I am inclined, perhaps, to regret that the information which has already been acquired in investigations before various Committees, has not been thought sufficient to justify legislation; still, however, the inconvenience of further delay will, probably, be well purchased by the result.

Mr. HUME.—I think that the Right Honourable Baronet (Sir R. Peel) has mistaken my meaning with respect to the basis of the currency. What I said was, that we ought to return nearer to a bullion currency than we are. In the present circumstances of the country, it is by no means my wish to see a wholly metallic currency.

Mr. E. TURNER.—For my part, Sir, I believe that it would be quite impossible to come to a gold currency. I believe that any attempts to do so must necessarily fail. The wants of the country are such, that it would be quite impossible to come to a gold currency, or to supply the demands of a metallic circulating medium. I feel inclined to attribute much of the difficulties that have arisen to the jealousies existing between joint stock banks and the Bank of England. I anticipate the most important results from this inquiry; and I trust it will be conducted in such a way as to lead to a practical result.

SIR JOHN RAE REID.—I did not intend to trouble the House with any observations on this occasion; and I should have adhered to that intention, but for what has been stated by the Honourable Member, as to the existence of jealousies on the part of the Bank of England. I beg to assure the House that there exists no jealousy on the part of the Bank of England towards the joint stock banks; and that the Bank of England will go into an inquiry with the greatest pleasure, confident that many erroneous impressions will thereby be removed, and that the public will be all the better satisfied with the Bank of England. I will not, now, enter into any discussion of the question, as I merely rose in consequence of the observation to which I have alluded.

Mr. SLANEY.—It will be matter of congratulation to the country, that this Committee is to be appointed. I hope that measures will be considered in the Committee by which banks of issue may be obliged to provide some sort of security that their notes are good; whether this shall be done by means of deposits, or of certain and periodical Returns. For want of some test of this kind, very great inconvenience has been felt, especially among the humbler classes. In districts of the country where the notes of the Bank of England, and those of private and joint stock banks, are circulating together, it is impossible for the people to refuse to take those notes; and it is impossible for the people to tell whether the notes they take may be worth 20*s*. or not. I think that this matter would be worthy of notice in the Committee.

LORD VISCOUNT SANDON.—I think the Honourable Member has overrated the matter. It appears to me, that since the extinction of the 1*l*. notes, the humbler classes have been relieved from any material suffering on this account. Indeed, I almost think that no receiver or holder of notes has suffered at all, during the last two crises. It is shareholders in banks who have felt the evil. This question, therefore, it is not necessary, in my opinion, to submit to the Committee.

The CHANCELLOR of the EXCHEQUER.—Though, upon the motion for the appointment of a Committee, the discussion is not, of course, so full as it might be under other circumstances, yet the country may fairly congratulate itself on the spirit that has been shown throughout this debate; and they may fairly anticipate what may be expected in the Committee. I do not want to open the question of the standard of currency, in any reference to the Committee. That has been already decided in Earl Spencer's time, and, as an honest man, I could not wish to re-open it. I would rather not leave the inquiry open to be extended to matters which would be interminable. I would rather the Committee would apply for further powers, if they felt they wanted them; and those powers, I am satisfied, the House could not refuse to grant. I have nothing more to say than to express my satisfaction at the manner in which the discussion has been conducted.

The motion was then agreed to.

POOR LAW (IRELAND).

Mr. W. S. O'BRIEN.—It was my intention to have moved for certain Returns respecting the Act for the relief of the Irish Poor, but the Noble Lord the Secretary for Ireland has assured me that the information I want will be contained in the Report of the Poor Law Commissioners for Ireland, which will be placed on the table by the 1st of May. I shall therefore, at present, content myself by moving for "a Return, showing whether any application has been made by the Poor Law Commissioners, for the purpose of ascertaining the opinions of the respective boards of guardians, in regard to the propriety of enacting a law for the suppression of mendicancy and vagrancy; and what has, in each case, been the result of such application."

The motion was agreed to, and the Return ordered.

THE CASE OF FROST, WILLIAMS, AND JONES.

Mr. LEADER.—I beg leave, Sir, to present the following petitions, in favour of a free pardon to the prisoners Frost, Williams, and Jones, now on their way to Van Diemen's Land, — from Stoke upon Trent; Newport, Monmouth (two petitions); Shelton; Fenton; Longton; Hanley; Tunstall; Burslem; St. John, Westminster; Tredegar and Sirhowy; Girvan; Saint Pancras; Finsbury; Saint Leonard, Shoreditch; Bath (chairman); Glasgow (chairman); Patrick (chairman); Westminster; Brighton (chairman); George Loveless, and others, the Dorchester labourers, who state that they consider the punishment of transportation for life to be an infliction worse than death itself: from Smithfield Bars (chairman); John Templer; and John Frost.

The petitions were ordered to lie on the table.

Mr. LEADER. — I now rise, Sir, to bring forward the motion of which I have given notice, and, in the present state of the House, I shall make my statement as brief as possible. I appeal to the House in behalf of these prisoners, not on account of any sympathy which I feel in their recent conduct, — not upon the merits of their case,— but because I think that the law has been strained against the prisoners, and that, there being a doubt in the case, that doubt ought to have been — but has not been— interpreted in their favour. The strong feeling which exists in this country upon this subject is evidenced by the number of petitions, which, with those presented to-night, amount to upwards of 100, with an aggregate of 120,000 signatures; many of them, too, it is to be remembered, having been signed only by the chairman, on behalf of large public meetings in Glasgow and in other great towns. I am ready to admit that this feeling does not prevail, perhaps, to any very great extent, in the higher or middle classes; but amongst the working classes, it does prevail very extensively; not because they sympathise with Frost, in his attempt, but because they believe that the law has been strained against him. I ask the House, therefore, to consider the case on the broad constitutional ground of having the law strictly and literally administered, as it is written and laid down, and not merely as expounded by the judges, called on to give their opinions upon this case. It is a part of the law of treason, that a copy of the indictment, and a copy of the list of witnesses, shall be delivered together to the prisoner, a certain time before the trial; and it is notorious that, in the present case, the copy of the indictment was delivered at one time, and the copy of the list of witnesses at another. To this, it has been answered, that it was a circumstance of no consequence, and that the prisoners were not injured thereby; because, although one list was delivered before the other, both were delivered in full time to give the prisoners all the benefit which the Act intended to give them; and I understand that the objection was treated by the Attorney General as one of a very light and trivial character. But the law of treason, according to my view of it, is meant as a protection to the subject against the persecution of arbitrary or despotic Governments; and if these points of form are not to be strictly adhered to, the whole law may be frittered away, and any of us be, at any time, at the mercy of an arbitrary Government, which could strain the law against individuals who might be obnoxious to it. Thus, instead of the law being strictly and impartially administered, we should soon have a sort of judge-made law. It is not denied that the copy of the indictment and the lists of witnesses were badly and improperly delivered; and nine out of the fifteen judges allowed that the objection was valid, though they, at the same time, decided that it was not made in time. Then, if that be the case, it is undeniable, I contend, that the prisoners were tried sooner than they ought to have been, and that, therefore, they were illegally convicted. But it is urged, that, even if the objection had been taken in time, the trial would have been put off; and the only result would have been, that the men would have been convicted a few days later. But is such an argument to be allowed in a case where the lives and property of men are at stake? Am I to be told that it makes no difference whether a man is tried for high treason ten days earlier than he ought to be? I beg to remind the House, that, in that interval, the public panic might subside; men's minds might become more calm; and that feeling of revenge, than which nothing is more cruel, by which frightened cowards are generally influenced, might entirely disappear; besides which, a material witness might die, and the prosecution might fail. The only court before which these three prisoners could be tried was that composed of the three judges named in the commission. Those three judges were sent down to Newport; and the objection to which I have referred was raised; and I have been told that the custom in such cases is, if they do not agree, to overrule the objection at the time, and then refer it to the rest of the judges. That course has been adopted, and nine out of the fifteen judges have thought it a valid objection; but there are also nine out of the fifteen who have thought that it was not taken in time. Of the six who thought that it was taken in time, there were two out of the three judges who tried the prisoners. I have been told, by lawyers of the greatest authority, that the prisoners might have insisted on having the objection decided at the trial; and it seems to me only reasonable and just, that they should either have had power to insist upon that, or, that they should, at all events, have the benefit of the opinion of the three judges who tried the cause separate from that of the rest of the judges. The three judges named in the commission were not bound to adopt the opinion of the other judges; and judges in such cases only say, that they will consult their learned brethren. It has always appeared to me a great defect in our law, that there is no court of appeal in criminal cases. This system of reference to the fifteen judges, merely produces an extra-judicial opinion, which ought not to overrule, as it has in this case, the opinion of that court before which prisoners are tried. It is true, that, in cases of treason, the Crown may grant a pardon, on the judges advising that the objection raised is a valid objection; but it requires an Act of Parliament to remove the attaint; and the Crown cannot grant that. Now, I have been told by the learned counsel for the prisoners, that it was clearly understood at the trial, that the prisoners should be placed in no worse position than if the objection had been then and there decided. That has been stated to me by the learned counsel for the prisoners; at all events, I have so understood them. I regret that they are not now in their places here, that I might appeal to them for confirmation. And how can it be said that the prisoners have not been placed in a worse position? This subject, too, possesses an importance beyond that attached to the particular case; because the working classes will lose all confidence in the law, unless they believe that it is in all cases literally and strictly interpreted; and in this instance, I repeat, there prevails a strong opinion amongst them, that it has been strained against these prisoners, and that they have been punished more with reference to the great guilt of their attempt, and the mischief that would be caused by it, than in accordance with the strict interpretation of the law. What, I ask, can possibly be more mischievous, than such a notion as this gaining ground among the working classes?

It has been said, that to pardon these men would cause great mischief in the country, and add to the violence that has already been perpetrated; but, on the contrary, I believe that it would have the effect of putting down all violence,—that the moral effect of such a course upon the working classes would be such as would be calculated, more than anything else, to suppress all attempts at violence upon their part. I have heard it stated elsewhere, that, after the point had been decided, the Cabinet determined that the men should be hanged; and that it was only upon a re-consideration of the point of law, that a commutation of the sentence was decided on. But if that argument be good for anything, it goes to the full extent of a free pardon. If the consideration of a point of law could have influenced the decision of the Government at all, it ought to have done so in favour of the entire pardon of the prisoners. What is transportation for life? In my opinion, there is very little to choose between transportation for life and hanging; and having sat upon the Committee of Inquiry into the transportation system, and been made acquainted with its horrors, I hesitate whether I should not say that transportation for life is a worse punishment than instant death; for, in the former case, the man has nothing to look forward to but death, after years of torture,—perhaps not so bad as that which used to be inflicted under the Holy Inquisition in Spain, but, at all events, the most terrible which, in modern times, can be inflicted upon human nature,—torture, indeed, so great, that many prisoners in Norfolk Island have killed each other, or committed suicide, rather than endure it. And this it is to which, in our mercy, we have condemned these men, after having had it admitted that a doubt upon a point of law justified a commutation of their sentence. I shall be told, perhaps, that the House of Commons is not the proper place for the discussion of such a question; but it is the only place to which these parties, who feel themselves aggrieved, can come for redress; and, beyond all question, it is just as consistent with justice, that this House should address the Queen upon this as upon any other subject. There is no doubt that the feeling which prevails among the working classes is very strong upon this subject: but I believe that, if the Government had taken a middle course, they would have considered that the prisoners had had far greater justice done them than they now look upon them as having received. Why should not the Government have come to an agreement with the prisoners in this way, and have said, "You are in our power; we can order you to be executed; but if you consent to leave the country, we shall be satisfied;"—because the only desire among the middle classes was to get rid of these men, in order that they might be the cause of no more mischief, although, no doubt, there were some who were sorry that they were not executed. This sanguinary disposition, however, I am sure, was confined to a very few individuals; as the people, in general, would only, unquestionably, have been satisfied with getting the prisoners fairly out of this country. In conclusion, then, Sir, I have only to say, that I have been very anxious to bring this matter forward much earlier, and certainly before the prisoners had left these shores for Van Diemen's Land; but I have postponed it several times, in consequence of a request which the legal advisers of the prisoners made to me, stating that negotiations were pending between the Government and themselves, with which this motion might interfere. A great deal of misrepresentation has gone abroad on the subject: I believe the learned counsel have been accused of not urging the case of their clients as much as they ought to have done. But I entirely acquit them of such a charge; I have never made any such accusation, but I have myself, also, been accused of not having done my best to bring forward the subject. All I can say is, that I have done what I considered to be best, and what I have been advised to do by the most experienced of my friends, with respect to bringing the subject forward, in order that the prisoners might have the benefit of any doubt raised in this House. I have, now, only to move, "that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones."

Mr. HUME. — In rising, Sir, to second the motion of my Honourable Friend, I will, at the outset, state that I do so, not on the merits of the case itself, because I consider that the crime of these men has been most detrimental to the country and to the cause of public liberty in general; and that, so far as their offence is concerned, they have decidedly merited the fate they have met with. But, Sir, there prevails a great impression abroad, that, in this case, the parties have not been treated in the same manner as others have been in cases of high treason; and I believe and hope that, in the course of this discussion, we shall hear something stated that will be calculated to remove this impression; for nothing can possibly be worse for the country than anything which tends to bring the administration of justice into discredit. The ground of the complaint against the Government in this case is, that, a Commission having been appointed to try these prisoners, the usual legal forms were not attended to, and the lists of witnesses not delivered in, in proper time. I am told that it is not usual for a criminal case of this sort to be referred to the fifteen judges; but that the judges at the trial should give their opinion upon any objection taken.

Now, another feature of the ground of complaint is, that two out of the three judges who tried the case stated that the prisoners would not be in a worse position than before the trial. It is also alleged, that two of those judges have recommended the removal of the criminal punishment. The answer of the bench to Sir F. Pollock certainly was, that these men should not be in a worse position; and we have the avowal of the Marquess of Normanby, that, but for this opinion of the judges, they would have been hanged. If, then, the Secretary of State thought that the objection which was taken was of sufficient importance to justify the removal of the capital punishment, why, let me ask, should not these men have been pardoned? If I am correct in the facts I have alluded to, I can have no hesitation in saying, that, if these men were entitled to the remission of the capital punishment, they were also entitled to a full and free pardon. With respect to an Address to Her Majesty, there cannot, possibly, be a subject of greater importance than this, on which to adopt such a recommendation; and I should certainly wish that the impression which has taken so strong a hold of the public mind should be communicated to Her Majesty in such a manner as to insure her gracious attention. We are without any knowledge of what took place at the meeting of the fifteen judges; and, independently of this, I am given to understand that this is the only case of high treason in which a reference to the whole of the judges was ever made. Coupling this with the fact of two out of three of the judges who tried the prisoners having morally acquitted them, I confess that I am at a loss to determine on what ground the Secretary of State should conclude that such a combination of circumstances favourable to these men ought not to have led to an entire acquittal. There is, also, another objection which I have to make to the course which has been adopted; it is, that such a proceeding appears to me to involve the establishment of a very bad precedent; and for this reason, that the result of it will be, that cases will arise in which judges, not having the courage to act on their own judgment, will not like to take upon themselves the responsibility of condemning a prisoner; but will, on the contrary, endeavour to shift it from their own shoulders to that of the fifteen. I say, then, that this alone is enough to show the danger of establishing a precedent like this, — a precedent upon which many a really innocent man might be considered guilty. Besides, if this sort of reference is to be made in one case, why not in all? And what, under such a system, would speedily be the state of the criminal law of this country? The grounds, then, Sir, on which I support this motion, are these: — that, a Commission having been appointed to try these men, an objection to the legality of the proceedings was taken at the trial; that that objection was taken in time, according to the opinion of six of the judges; and that, as it appears that two out of the three judges that presided at the trial were among the six who were of that opinion, these men ought to have been acquitted. These, I know, are the opinions of a great body of the people; and if I am correct — and I am open to contradiction from any Honourable Gentleman if I am not — in these statements, I must maintain that a pardon, and not a punishment, ought to have been the portion of these prisoners. I am sorry to have detained the House so long; but I still more regret that any necessity should have arisen for a motion like that which I now beg to second.

Question put.

Mr. FOX MAULE. — I am extremely sorry to have to address the House on a motion of this sort; and I deeply regret that the Honourable Gentleman the Member for Westminster should have thought it right to make this House a court of appeal from that tribunal from which he has declared that no appeal exists. The Honourable Member has laid aside, entirely, all reference to the prerogative of mercy as exercised by the Crown; and states, that what he seeks is an act of right and justice to these individuals. The Honourable Gentleman has said that these three individuals have been tried for a political offence. Now, in my mind, the crimes with which they were charged were not mere political offences, but deserve a much stronger name; inasmuch as the object which they had in view was, to overturn the whole system of society in this country; and, by an act of violence, to strike at the very root of the constitution under which we live. A preliminary objection was taken at the trial, to the extent that the forms of the law of treason had not been fulfilled. It was urged that the delivery of the copy of the indictment, and of the lists of witnesses, was not simultaneous. This point was referred to the three judges at the Commission; and it is stated that two out of those three judges entertained an opinion that the objection raised was a valid objection, and that, entertaining such an opinion, they ought to have decided the point on the spot, and in favour of the prisoners, giving them the benefit of the objection. Now, it appears to me, that the very fact of the judges having declined to decide the question upon the instant, shows that a great doubt existed in their minds, and that they were anxious to have the opinion of the rest of the judges before an ultimate decision was given upon it: they consequently reserved the point. It has been stated that this is not the usual practice in cases of treason. I shall probably, however, be followed by others who are more conversant with the law than I can be, and who will inform the House correctly upon that point; but I apprehend it will be found that the usual legal forms have not, in this instance, been departed from; but that the judges gave the prisoners all the advantages that could be derived from the objection that was raised in their favour. This is made perfectly clear from the narrative of the trial, which the House is familiar with, and from which it appears that, in reply to the question put to the court by the prisoners' counsel (Sir F. Pollock), the Chief Justice stated, that the common course taken at assizes was, to reserve any difficult point in which an objection might be raised for the opinion of the fifteen judges in London; and said that, if the point in the present case were decided by the fifteen judges in favour of the prisoners, they would thereby be placed in the same position in which they would be, in case the point were decided at the trial; but he also added, that, in case the point were decided in their favour, it would not have the effect of giving the prisoners a verdict of acquittal, but merely of postponing the trial until the forms of the law of treason should have been properly and legally gone through. I will not, however, go into the whole case; but confine myself, as I think I shall be more justified in doing, to that portion of the circumstances which relates more particularly to the department with which I have the honour to be connected. The first intimation which my Noble Friend at the head of the Home department had, of the decision of the fifteen judges, was a letter from the Chief Justice, which stated, that the argument in the three cases of Frost, Williams, and Jones had closed, and that the judges had come to a determination on the two questions reserved for their opinions. That letter was to the following effect:—

Westminster Hall, 28th January, 1840.

My Lord,— I have the honour to inform your Lordship that the argument upon the three cases of the Queen *v.* Frost, the Queen *v.* Williams, and the Queen *v.* Jones closed this afternoon, and that the judges, after considering the subject, have come to the following determination upon the two questions which have been argued before them; namely:—

First, a majority of the judges, in the proportion of nine to six, are of opinion that the delivery of the list of witnesses was not a good delivery in point of law.

But, secondly, a majority of the judges, in the proportion of nine to six, are of opinion that the objection to the delivery of the list of witnesses was not taken in due time.

All the judges agreed, that if the objection had been made in due time, the effect of it would have been a postponement of the trial, in order to give time for a proper delivery of the list.

The result, therefore, of the determination of the judges is, that the conviction is right.

I will have the honour of calling on your Lordship to-morrow at the rising of the court, if I should receive any intimation to that effect.

I have the honour to remain,
My Lord,
Your Lordship's faithful and obedient servant,
N. C. TINDAL.
The Lord Marquess of Normanby,
&c. &c. &c.

Such was the result, then, of the resolution to which the fifteen judges came; and, when the House considers the terms of it, and what would have been the consequence of their decision having been in favour of the prisoners, I think it will agree with me, that the objection of the Honourable Gentleman who has made this motion, as to their being tried ten days sooner or later, carries with it very little weight. Upon the trial of the prisoners, an objection was raised, that they had not had sufficient time to be prepared for it; but, I must say, that I have not yet seen or heard anything to induce me to believe that they would have been a whit more prepared afterwards, than they were at the time this objection was made. But, Sir, this is not all; for, in addition to this, the learned counsel for the prisoners had put in a memorial, in which all was stated, in effect, which has been stated, this evening, by the Honourable Member for Westminster; and to that memorial, the judges gave a clear, distinct, and conclusive answer, and which I will read to the House. The answer to that memorial was in the following terms:—

Westminster Hall, Jan. 31. 1840.

My Lord,—We have perused and considered the memorial of Sir Frederick Pollock and Mr. Kelly, counsel for the prisoner John Frost, who was tried under the late special commission at Monmouth, and beg to inform your Lordship, that the memorial appears to us to be founded upon an entire misconception of the law relating to the course of proceeding in criminal cases; and, so far as we the judges under the special commission are concerned, an entire misapprehension of the fact.

As to the law, the uniform practice has been, so far back as we have any means of knowledge, that if the judge upon the trial of an indictment feels any serious doubt as to an objection that occurs in point of law, he decides the point against the prisoner, and allows the trial to proceed; reserving such point of law, in order that he may take the advice and opinion of all the other judges thereon. After consulting them, and hearing argument thereon (if thought necessary), the opinion of the judges is taken; and that of the majority binds the judge who has reserved the question. If that opinion should be against the prisoner, the law is suffered to take its course, and the sentence which has been passed remains. If the opinion of the judges is in favour of the prisoner, the constant course is for the judge who tried the prisoner, and passed the sentence, to apply to the Secretary of State for a free pardon. And this course in no way depends on any consent, expressed or implied, on the part of the prisoner; the judge pursues it at his own discretion, and decides the point, for the present, against the prisoner, giving him the benefit of further consideration and advice with the other judges. And this course is pursued for the manifest purpose of preventing a failure of justice, inasmuch as if the judge decided under his immediate impression, supposing it to be in favour of the prisoner, and directed an acquittal, there could be no new trial, although, upon reference to the other judges, his own opinion was held to be wrong. On the other hand, if the opinion of the judge is at the time unfavourable to the prisoner, it can be reserved by that course, and, if erroneous, set right.

With respect to the statement in the memorial of what took place at the trial, so far as relates to ourselves, we cannot but remark that the learned counsel labour under a complete misapprehension; at which we are the more surprised, as we expressly stated that no distinction would be made between this and other cases tried at the assizes, but that it must follow the ordinary course.

At the time of the discussion, we all of us entertained serious doubts, more or less strong, on the objection that was raised before us. And if the law had obliged us to come to an immediate and final decision, without the power of consulting the judges, which the law does not, we were not prepared, without much further consideration, nor without hearing the argument on the part of the Crown concluded, to come to any determination on the point. We, therefore, following the ordinary course pursued on similar occasions, decided the point against the prisoner, by allowing the trial to proceed, subject to the revision before referred to.

We beg to inform your Lordship that we think the circumstance stated and relied on in the memorial, namely, that two of the judges under the special commission ultimately declared their opinion in favour of the objection, does, in our judgment, make no difference whatever; nor do we think that any inclination in their minds at the time of the trial ought to affect the question: the law is taken from the majority of the judges when consulted.

It is needless to state to your Lordship, that as to any of the communications with, or understanding between, the learned counsel and the prisoner, which are stated at length in the memorial, we are entirely ignorant.

Under the circumstances above mentioned, we beg leave to represent to your Lordship, that, in our opinion, there is no ground whatever to entitle the prisoner, John Frost, to a free pardon.

N. E. Tindal.
J. Parke.
J. Williams.

To the Lord Marquess of Normanby, &c.

Under these circumstances, my Noble Friend the Secretary of State felt that he had but one course to pursue, — namely, to consider that the verdict passed against Frost and the two other prisoners was a right verdict, in point of law, and that the sentence passed upon them was the sentence which the law awarded to the offence of which they had been found guilty: and, without entering into the grounds upon which my Noble Friend came to the conclusion of so far recommending the Royal clemency, I can only say, that those who attribute any other motives to the application of the Royal clemency than those of vindicating the law of the land, on a crime of such magnitude, are completely mistaken. For my own part, the more I consider the circumstances of the offence of these individuals, the more I think that they and their families ought to consider, that to be allowed to go into banishment with their lives, which were forfeited to the country, is as much as they could reasonably expect. With regard to what has fallen from the Honourable Member for Westminster, with reference to the views of these unhappy men, as to the commutation of their sentence, I can only say that, in my short experience in dealing with criminal sentences, I have never yet seen an instance in which any man stated he would rather be executed than have his sentence commuted to transportation; and I have never known an instance in which the family of an individual, standing in the awful predicament of a capital convict, did not feel deeply grateful for such a commutation. In conclusion, I have only to add, that I think the remarks which have fallen from the Honourable Member for Westminster, on this point, do not tend much to support the arguments which were urged in favour of the motion of the Honourable Member for Wigan, the other night, the object of which was, the abolition of capital punishment; and that, on the grounds to which I have referred, I feel bound to give this motion that opposition which I certainly consider it calls for.

Mr. T. DUNCOMBE. — Although there is much in the argument which has just been addressed to the House by the Honourable Gentleman the Under Secretary for the Home Department, still I must say, Sir, that, in the concluding part of his speech, he has mixed up feelings of pity with points of law in a manner of which I cannot but disapprove. If this was a mere question of crime, and not one of law, I should be prepared to say that there never were criminals whose lives were more justly forfeited to the offended laws of their country than the individuals whose case has now been brought under the consideration of the House. But this is not a question of crime, but of law; and if there is one thing of more importance than another, in discussing such a question, it is, that the crime of these individuals, and the question as to the impartial administration of justice, should be kept distinct and separate; and I cannot help remarking, that I think it was not only due to their unhappy clients, but also to this House, that those Honourable and Learned Members who were counsel for these men should have endeavoured to have been present, here, to-night, in order to have guided us towards the formation of a proper and just opinion upon this case. The Honourable Gentleman the Under Secretary of State has told us that it could be a matter of very little signification to these prisoners whether they were tried ten days sooner or later; but, if so, why, I would ask, was the statute of Anne passed? Why should not the prisoners, even now, have the benefit of that statute? I maintain that the language of the 7th of Anne, c. 12., with regard to the delivery of copies of indictments, and lists of witnesses in cases of high treason, is so clear, that I am utterly at a loss to discover how any man can possibly misunderstand it. It is so clear, that, in order to understand it, a reference to Dr. Johnson's *Dictionary* is only necessary, and recourse to the opinions of the fifteen judges altogether superfluous. I defy any man to say that the words "at the same time" can, by any construction that can be put on them, mean "at a different time;" and that the time at which the copy of the indictment, and that at which the list of witnesses was delivered, in this case, was according to the sole and simple meaning of these words, — "one and the same time." The meaning of the statute is so plain, that the feeling of the people of this country is, that, if these unhappy men could not legally be executed, they could not, legally, be transported. I wish to know whether, if the writ had gone down to Monmouth, ordering these men to be executed, "at the same time," any man would say that it meant that one of them should be executed on Monday, another on Thursday, and the other on Saturday? I am surprised, I repeat, at the absence, on the present occasion, of the Honourable and Learned Gentlemen who were counsel for the prisoner Frost. I have seen a letter from one of those Honourable and Learned Gentlemen, requesting my Honourable Friend the Member for Westminster to postpone his motion, when it stood for a former day, in the hope that something would be done in the mean time; but the prisoners are now on the wide seas, and those Honourable and Learned Gentlemen are not in their seats. As to the question whether or not the objection was taken in time, it appears that the Honourable and Learned Member for Huntingdon, on leaving the court, after arguing it before the fifteen judges, protested, before God and the country, that he could not find, after the fullest consideration, any principle, precedent, or authority for his taking the objection at any other time than that of which he had availed himself in the case of Frost. But, even supposing the objection not to have been taken in time; in that case, how stands the matter in the case of Zephaniah Williams? I have this day received a letter from the learned gentleman who was assigned as counsel to Zephaniah Williams; and, in that letter, Mr. Thomas maintains that he took the objection in time, and that he took it as soon as he was assigned, and before any juryman was sworn. But I will read the letter to the House, and allow it to speak for itself. It is in the following terms: —

11. Abbey Place, St. John's Wood,
9th March, 1840.

Dear Sir, — Finding Mr. Leader's motion, in the case of Frost, Williams, and Jones, comes on to-morrow night, I am anxious to present you with a few facts and remarks, more particularly respecting the case of Zephaniah Williams, for whom you presented a petition.

The subject now embraces a wider scope than party sympathy, and men of different politics in both Houses of Parliament have expressed their concurrence with the six judges who decided in favour of the men upon the law. The reasons assigned by Lord Normanby for the commutation of their sentence appear to me not only to warrant, but to require, a free pardon to be granted them. His Lordship said he had "withheld from the Crown the jury's recommendation to mercy." It was too bad a case to regard the signatures of sympathising thousands, but "there was a great diversity of opinion among the judges." The doubts were enough, therefore, in this very bad case, to render it imperative on his Lordship to commute the sentence.

A majority of the judges who tried the prisoners held that they ought to have rejected each and every witness as he came to be sworn. Upon the statutable objection, four other learned judges concurred in their opinion, and three other learned judges thought the objection good; but that it should have been urged when it would have been of no avail.

In the case of Zephaniah Williams, I took the objection before a juryman was called (as soon as I was assigned), on account of the contention in Frost's case. The Attorney General said, "Do you object to the trial proceeding?" I answered, "That is not for me to do; I repeat, that I object to the service of the lists; it is for you to say if you will go on or not." The Attorney General then proceeded to empanel a jury. I had no power to stop the trial; the Attorney General had, no juryman having been sworn; but the objection was not considered by the Attorney General sufficiently significant to put off the proceedings. All that is required by the objections, as to the point of time, is, that the opportunity should have been given to correct the error. This opportunity was offered in Williams's case; and, indeed, the Attorney General might have put off both the trials without risking the objection, had he deemed it of weight. I again took the objection on the first witness being called, and to the whole proceeding when Baron Parke was about to sum up. There were two other lists of witnesses served upon the prisoners subsequently to the first list. The objection to these lists was, that they had not been served ten clear days. The Attorney General did not attempt to say, as to these, that we ought to have presented each list, and objected to the service before the jury was sworn. The objection was taken when each witness was called, and was allowed without opposition. But if the objection was too late to a witness in one list, it was too late to any witness in another list. Had we made the objection earlier, we might have been told to wait and see whether the witnesses were called or not.

Penal Acts of Parliament should be clear enough to be understood by all whom they affect; and unanimity of judges as imperative in matters of written law affecting our lives as the unanimity, so much lauded, of our juries upon matters of fact. A reasonable doubt on the minds of juries saves the prisoner: if one juryman holds out, they are all discharged. Here, consider the remarkable diversity of opinion of the judges upon this subject. Queen Anne, in the case of Damarce *v.* Purchase, where there was a diversity of opinion among the judges, pardoned the prisoners found guilty of high treason. I will only add, that if this had been the trial of a cause at common law, the judges of the court would determine the law, although all the rest of the fifteen judges, upon argument, differed with them in opinion.

Hoping the matter will be determined in conformity with the humane spirit of our law, and to the honour of our country,

I am, dear Sir,
Most obligedly yours,
RALPH THOMAS.

Such, then, is the opinion of the learned gentleman who was assigned as counsel to Zephaniah Williams; and I am sure he has no other wish than that justice should be fairly and impartially administered. That is the object, also, of my Honourable Friend the Member for Westminster, in bringing forward this motion; and I am sure it ought to be the object of this House to see justice done to every one. It may be expedient to transport these unhappy individuals; but that is by no means a sufficient reason why the law of the land should have been strained, as it appears undoubtedly to have been in the present instance. I do not wish to palliate the crime which these unfortunate men have committed; but, inasmuch as I desire to see a fair and impartial administration of the law, and as I think them justly entitled to their discharge from custody and from punishment, according to the law of the land, I shall most certainly give my support to the motion of my Honourable Friend, if he press it, as I hope he will, to a division.

DOCTOR LUSHINGTON.—Although, Sir, this question has been raised in a House not very full of Members, yet I deem it one of considerable importance, with reference to the interests of the country at large; and I do hope that one of the results of this discussion will be, to dispel many of those doubts and erroneous opinions that have been circulated, especially among the manufacturing classes, upon this subject. I am prepared to say, that the sentence which has been carried into effect upon these individuals is perfectly consonant with law, with justice, and with every consideration of public expediency. It is most material, as has already been said, to preserve perfectly distinct the question of guilt and the question of law; and it is a great satisfaction to my mind that we have had so frank and full an admission from the Honourable Member for Finsbury, as well as from others, that the crime of which these persons have been convicted is one of the most atrocious nature. I rejoice in this admission; because it is most important that no misunderstanding upon that question should exist. It ought not to be supposed that there is any party in this House which can view the matter in the nature of a mere political offence; but that, equally on the one side as on the other, they deem it to be that which in reality it is—a deliberate attempt, by bloodshed and destruction, to overthrow all the foundations upon which the liberties and the government of this or any other country can stand. I am delighted, therefore, to think that it will now go forth to the world that the House of Commons is unanimous in this opinion, and that we shall disabuse the public mind of the impression by which it has been poisoned by mistaken publications which have appeared, and which have cast, as it were, the protection of a political offence upon that which in itself was a great crime and outrage against the law of the land. Having said thus much of the guilt, I will now say a word or two as to the law, of the case, upon which the Honourable Member for Finsbury seems chiefly to rely. I cannot help observing that, though cases may arise under which it may be justifiable and right to appeal to the House of Commons in the last extremity, yet I, for one, deprecate, above all things, making the House of Commons a court of appeal from the courts of justice, with respect to the exercise of that prerogative of mercy which the Crown possesses, and which often must be, and ought to be, exercised, for reasons that ought not to be stated. But, to proceed to the question of the law, as impugned in this case. The moral guilt of the parties is admitted; and the real point at issue is, the feeble one of whether, in the course of the trial, there has been an erroneous decision on a point of law, which, if otherwise decided, would have entitled the prisoners to the benefit of an entire acquittal? Now, what was the point of law? The complaint is, that the statute declares that the list of witnesses and the copy of the indictment should be delivered at the same time. But does that complaint, even if well founded, prove one atom of hardship, one iota of injustice, or the least inconvenience to the prisoners, in respect of their defence? On the contrary, the course that was pursued in the delivery of the lists afforded them a fuller and more ample opportunity of providing themselves with the means of defence.

Then comes the question, as to what took place at the trial of these prisoners, and as to the ordinary usage and practice in similar cases; and, also, whether it was departed from in the one under consideration. I will not touch upon the second point at all; because the judges have themselves utterly denied that they have departed from the accustomed rule upon this occasion. What the judges who tried the case say is, that they reserved the point that was raised for the opinion of the judges at large; the meaning of which is, that whichever way the opinion of the majority of the judges should be, that opinion should decide the law upon the question. But it is said that these prisoners are entitled to a remission of their sentence, because two of the judges who tried them have declared their opinion in favour of the validity of the objection taken at the trial; and that the decision on that question ought to have been made at the time the objection was urged. Now, it behoves the House to consider whether it is consistent with justice, reason, or the due administration of the law, that the judges ought to have decided upon the objection at once. As to the practice upon this point, I dare not pretend, on my own knowledge alone, to speak; but we have the opinion of the learned judges upon the subject, as read, just now, by my Honourable Friend below me; and I very well remember an instance corroborative of that usage and practice, as laid down by them, in a case which occurred to myself, when practising at the Old Bailey, during the Admiralty Sessions, as they formerly existed. On the occasion to which I refer, I had upon me the heavy burden of pleading for the lives of thirty-ive men, charged with a capital crime. Lord Stowell sat, with Lord Tenterden, and the late Mr. Justice Park. I took an objection, and strongly pressed for an immediate decision upon it, inasmuch as, if t had been referred to the judges, I could not have had the advantage of Lord Stowell's judgment upon it. Lord Tenerden, however, stopped me, and said he question was one of difficulty and mportance, and refused to decide it *intanter* and upon the spot. Of course, I ould not persist; but if I had done so, what is the rule? Why, that the point aised is always decided against the prioner, but reserved for consideration afterwards; and thereby the prisoner has the benefit of the opinions and the decisions f all the judges of the land. In the present case, it is said that, when the uestion was under discussion, the result was, that two of the judges out of the hree upon the Commission were in favour f the objection, and therefore that the prisoners were entitled to a verdict of cquittal. Now, I should like to know he reciprocity of this argument; and how the case would have stood if two of the judges on the Commission had been of the opposite opinion? But if this practice is to prevail with respect to three judges, it must with respect to one also; and the consequence will be, that in a nice and complicated case, the opinion of one judge must be taken, and not the opinion of the majority. I am clearly of opinion that the course adopted by the learned judges was a correct course, and one consonant with the administration of justice; and I am confident that any attempt to alter that established course of proceeding would be productive of the greatest injury to society. Now, with respect to the absence of the Honourable and Learned Member for Huntingdon, on the present occasion, I have had no conversation with him on this subject; but I believe I can form a pretty correct estimate of the cause of his absence. That Honourable and Learned Gentleman made a splendid defence for the prisoners; he exerted his great talents with unexampled industry on their behalf; he did not fail them, after the conviction had taken place, but very laudably endeavoured to obtain for them a remission of their sentence; and having gone to this extremity, I have no doubt that he considered that no such flagrant violation of justice had been committed as would justly call for the interference of this House; and therefore he is not now present. Now, what is the opinion of the judges? They have said that the conviction is legal, — they have said that, if taken before trial, it might have been a good ground for postponement, — some of them have said that it was taken in time; but the great majority have said the objection was not valid. And is the House to review that decision? Is it competent to do so? Are we prepared to say that the majority of the judges are in error, and that we are capable of pronouncing a better and safer opinion on a question which necessarily calls for long experience in the consideration of Acts of Parliament and the common law of the land. Can a more fearful or dangerous attempt be made, than to call upon the House to impeach the judgment of the superior court, and constitute itself — for the first time in the history of this country — a court of appeal, in cases of life and death, from the decision of the judges? I fearlessly say that, according to law, the persons thus convicted could have been executed. Nay, more, I say that hundreds of persons have been sent to the scaffold under similar circumstances, and where the like difference of opinion existed among the judges, without treason. I will only add, that if this had been the trial of a cause at common law, the judges of the court would determine the law, although all the rest of the fifteen judges, upon argument, differed with them in opinion.

Hoping the matter will be determined in conformity with the humane spirit of our law, and to the honour of our country,

I am, dear Sir,
Most obligedly yours,
Ralph Thomas.

Such, then, is the opinion of the learned gentleman who was assigned as counsel to Zephaniah Williams; and I am sure he has no other wish than that justice should be fairly and impartially administered. That is the object, also, of my Honourable Friend the Member for Westminster, in bringing forward this motion; and I am sure it ought to be the object of this House to see justice done to every one. It may be expedient to transport these unhappy individuals; but that is by no means a sufficient reason why the law of the land should have been strained, as it appears undoubtedly to have been in the present instance. I do not wish to palliate the crime which these unfortunate men have committed; but, inasmuch as I desire to see a fair and impartial administration of the law, and as I think them justly entitled to their discharge from custody and from punishment, according to the law of the land, I shall most certainly give my support to the motion of my Honourable Friend, if he press it, as I hope he will, to a division.

DOCTOR LUSHINGTON.—Although, Sir, this question has been raised in a House not very full of Members, yet I deem it one of considerable importance, with reference to the interests of the country at large; and I do hope that one of the results of this discussion will be, to dispel many of those doubts and erroneous opinions that have been circulated, especially among the manufacturing classes, upon this subject. I am prepared to say, that the sentence which has been carried into effect upon these individuals is perfectly consonant with law, with justice, and with every consideration of public expediency. It is most material, as has already been said, to preserve perfectly distinct the question of guilt and the question of law; and it is a great satisfaction to my mind that we have had so frank and full an admission from the Honourable Member for Finsbury, as well as from others, that the crime of which these persons have been convicted is one of the most atrocious nature. I rejoice in this admission; because it is most important that no misunderstanding upon that question should exist. It ought not to be supposed that there is any party in this House which can view the matter in the nature of a mere political offence; but that, equally on the one side as on the other, they deem it to be that which in reality it is—a deliberate attempt, by bloodshed and destruction, to overthrow all the foundations upon which the liberties and the government of this or any other country can stand. I am delighted, therefore, to think that it will now go forth to the world that the House of Commons is unanimous in this opinion, and that we shall disabuse the public mind of the impression by which it has been poisoned by mistaken publications which have appeared, and which have cast, as it were, the protection of a political offence upon that which in itself was a great crime and outrage against the law of the land. Having said thus much of the guilt, I will now say a word or two as to the law, of the case, upon which the Honourable Member for Finsbury seems chiefly to rely. I cannot help observing that, though cases may arise under which it may be justifiable and right to appeal to the House of Commons in the last extremity, yet I, for one, deprecate, above all things, making the House of Commons a court of appeal from the courts of justice, with respect to the exercise of that prerogative of mercy which the Crown possesses, and which often must be, and ought to be, exercised, for reasons that ought not to be stated. But, to proceed to the question of the law, as impugned in this case. The moral guilt of the parties is admitted; and the real point at issue is, the feeble one of whether, in the course of the trial, there has been an erroneous decision on a point of law, which, if otherwise decided, would have entitled the prisoners to the benefit of an entire acquittal? Now, what was the point of law? The complaint is, that the statute declares that the list of witnesses and the copy of the indictment should be delivered at the same time. But does that complaint, even if well founded, prove one atom of hardship, one iota of injustice, or the least inconvenience to the prisoners, in respect of their defence? On the contrary, the course that was pursued in the delivery of the lists afforded them a fuller and more ample opportunity of providing themselves with the means of defence.

Then comes the question, as to what took place at the trial of these prisoners, and as to the ordinary usage and practice in similar cases; and, also, whether it was departed from in the one under consideration. I will not touch upon the second point at all; because the judges have themselves utterly denied that they have departed from the accustomed rule upon this occasion. What the judges who tried the case say is, that they reserved the point that was raised for the opinion of the judges at large; the meaning of which is, that whichever way the opinion of the majority of the judges should be, that opinion should decide the law upon the question. But it is said that these prisoners are entitled to a remission of their sentence, because two of the judges who tried them have declared their opinion in favour of the validity of the objection taken at the trial; and that the decision on that question ought to have been made at the time the objection was urged. Now, it behoves the House to consider whether it is consistent with justice, reason, or the due administration of the law, that the judges ought to have decided upon the objection at once. As to the practice upon this point, I dare not pretend, on my own knowledge alone, to speak; but we have the opinion of the learned judges upon the subject, as read, just now, by my Honourable Friend below me; and I very well remember an instance corroborative of that usage and practice, as laid down by them, in a case which occurred to myself, when practising at the Old Bailey, during the Admiralty Sessions, as they formerly existed. On the occasion to which I refer, I had upon me the heavy burden of pleading for the lives of thirty-five men, charged with a capital crime. Lord Stowell sat, with Lord Tenterden, and the late Mr. Justice Park. I took an objection, and strongly pressed for an immediate decision upon it, inasmuch as, if it had been referred to the judges, I could not have had the advantage of Lord Stowell's judgment upon it. Lord Tenterden, however, stopped me, and said the question was one of difficulty and importance, and refused to decide it *instanter* and upon the spot. Of course, I could not persist; but if I had done so, what is the rule? Why, that the point raised is always decided against the prisoner, but reserved for consideration afterwards; and thereby the prisoner has the benefit of the opinions and the decisions of all the judges of the land. In the present case, it is said that, when the question was under discussion, the result was, that two of the judges out of the three upon the Commission were in favour of the objection, and therefore that the prisoners were entitled to a verdict of acquittal. Now, I should like to know the reciprocity of this argument; and how the case would have stood if two of the judges on the Commission had been of the opposite opinion? But if this practice is to prevail with respect to three judges, it must with respect to one also; and the consequence will be, that in a nice and complicated case, the opinion of one judge must be taken, and not the opinion of the majority. I am clearly of opinion that the course adopted by the learned judges was a correct course, and one consonant with the administration of justice; and I am confident that any attempt to alter that established course of proceeding would be productive of the greatest injury to society. Now, with respect to the absence of the Honourable and Learned Member for Huntingdon, on the present occasion, I have had no conversation with him on this subject; but I believe I can form a pretty correct estimate of the cause of his absence. That Honourable and Learned Gentleman made a splendid defence for the prisoners; he exerted his great talents with unexampled industry on their behalf; he did not fail them, after the conviction had taken place, but very laudably endeavoured to obtain for them a remission of their sentence; and having gone to this extremity, I have no doubt that he considered that no such flagrant violation of justice had been committed as would justly call for the interference of this House; and therefore he is not now present. Now, what is the opinion of the judges? They have said that the conviction is legal, — they have said that, if taken before trial, it might have been a good ground for postponement, — some of them have said that it was taken in time; but the great majority have said the objection was not valid. And is the House to review that decision? Is it competent to do so? Are we prepared to say that the majority of the judges are in error, and that we are capable of pronouncing a better and safer opinion on a question which necessarily calls for long experience in the consideration of Acts of Parliament and the common law of the land. Can a more fearful or dangerous attempt be made, than to call upon the House to impeach the judgment of the superior court, and constitute itself — for the first time in the history of this country — a court of appeal, in cases of life and death, from the decision of the judges? I fearlessly say that, according to law, the persons thus convicted could have been executed. Nay, more, I say that hundreds of persons have been sent to the scaffold under similar circumstances, and where the like difference of opinion existed among the judges, without the subject having been made the theme of discussion in this House.

Mr. T. DUNCOMBE.—It ought to have been.

DOCTOR LUSHINGTON. — "It ought to have been," says the Honourable Member for Finsbury. It ought to have been! I say, it ought not to have been. I say, the House of Commons is not competent to discuss questions of this nature. Competent, it may be, to discuss a question of severity of punishment; but incompetent, in my judgment, is it to consider any legal question of so deep, and difficult, and complicated a character; and not only so, but I maintain that it is an unconstitutional practice for any individual to call upon the House of Commons to do an act by which it would make itself, not only superior to the judges of the land, but would overrule the power and prerogative of the Crown. If it be done in one case, no one can tell the moment when it will be attempted in another; and thus the House may go on to weaken the authority, and to diminish the opinion now entertained, of the judges, to the entire destruction of justice itself. I perfectly agree with my Honourable Friend the Under Secretary for the Home Department, that the cause wherefore mercy was extended ought not to form a subject of discussion. For my own part, I will not attempt to discuss it; but I will, at the same time, say, that no person can rejoice more than I do at the extension of mercy in the present case; and I consider it the wisest and safest course which could, under the circumstances, have been pursued. If these parties had been executed, there would have been a revulsion of public opinion with respect to the causes which led to their crime; and the feeling which is spreading throughout the country against capital punishment would have been increased, not by means of reasoning, but through the operation of political feelings, which are now so rife from one end of the kingdom to the other. Instead of a just punishment, inflicted for a most atrocious offence, the case would have been looked upon in a light in which no thinking man can now view it,—namely, that those persons were the victims of the Government, who would not extend mercy to them. I repeat my solemn belief, that the conviction and sentence were strictly according to law; and I pray the House not to interfere either with the law or the sentence. I do not undervalue the atrocity of the guilt of these individuals; but I think the punishment commensurate with the crime; and I am glad that the last punishment which man can inflict on man has not been resorted to in this instance.

Mr. WAKLEY.—The Right Honourable and Learned Gentleman who has just sat down has said that my Honourable Colleague has argued the case like a lawyer. Now, I entirely differ with the Right Honourable and Learned Gentleman on that point. My impression is, that he did not argue it like a lawyer; for he founded his arguments entirely upon principles of common sense. My Honourable Colleague adverted, particularly, to the practice of past times, in cases where objections have been taken, and stated that no occurrence like the present could be found; but the Right Honourable and Learned Gentleman, who certainly made a very clever speech, has passed that point over entirely. The Right Honourable and Learned Gentleman says that hundreds of persons have been executed where differences of opinion have existed among the judges, but that none of those cases have been brought before the House of Commons; and the Right Honourable and Learned Gentleman added, that, in his opinion, they ought not to have been brought before the House, because the House is incompetent to comprehend these questions. If so, why should the House of Commons exist at all? What are we here for? Why, to make the law: and, after having made it, we are told by the Right Honourable and Learned Gentleman that we are not capable of comprehending it. That is, absolutely and positively, the argument of the Right Honourable and Learned Gentleman. Does the Right Honourable and Learned Gentleman deny that we are competent to make the laws which we are unable to comprehend? Now, in order to carry out his argument fully, he must contend that we are not competent to legislate. That may be the case; but still I think we are capable of deciding whether there is any difference between two and four, whether Monday is Thursday, or Thursday Monday, as well as the fifteen judges. The public are incapable of comprehending how it is that fifteen grave and learned gentlemen, who have been placed upon the judicial bench of this country, and who reap an enormous sum of money out of the public taxes for comprehending the law, should have been divided in such a chequered and peculiar manner upon so simple a question as was proposed to them in the case of Frost, which a little common sense would have solved in a few minutes. The public imagine their decision to be of this nature, — that nine against six have decided that Monday is Saturday, whilst six against nine are of opinion that Saturday is Monday; and that they proceeded with their decisions until they determined that twelve o'clock was two, and that a quarter past three was half past four. Now, that is the real nature of their decision; and I think it rather extraordinary that such a decision should not be approached in debate by the representatives of the people. When I see the judges governed in their decisions by the plain principles of common sense, and when I see their decisions characterised by that clearness and that distinctness which are calculated to obtain for the law the respect of the people, I, for one, will be the first to bow to their superior knowledge; but when I find them giving decisions of so contradictory and absurd a character, I will not be deterred from expressing my opinion, in reference to their decision, or any portion of their public conduct. Sir, I think it most unfortunate that we have to argue this question in the absence of the two learned counsel who so ably advocated the cause of the prisoners; and, feeling that justice can scarcely be done to the case in their absence, I would recommend my Honourable Friend the Member for Westminster not to press his motion to a ivision, but to ask permission of the House to withdraw it. Those Learned Gentlemen, as the Right Honourable and Learned Member for the Tower Hamlets bserved, not content with the services vhich they had rendered at the trial, have ince been indefatigable in the cause of he prisoners; and it is known that they ntertain strong opinions upon the subect. I believe they would not, in the ouse, discuss the question of the innoence or the guilt of the prisoners; and t is not just towards them, or the public, hat that question should be taken into ccount. We ought to look, alone, at the lain question, whether these individuals re rightfully suffering by a due administration of the law. I believe the House ill think that, whatever offence an individual may have committed, it is of the tmost importance, in order to obtain espect for the law, that no person should onsider he is suffering the penalty of the w, when, by the forms of the law, he ught to have been acquitted. In this ase, I feel confident that we cannot do stice to this great constitutional quesion in the absence of those Learned Genemen; and I therefore implore my Honourable Friend not to divide the House; for, by so doing, he will most effectually damage the cause of the prisoners, and will, in fact, seal their fate in the colony. No more impolitic step can be taken than to divide the House in the absence of the Honourable and Learned Member for Huntingdon and the Honourable and Learned Member for Ipswich. I know that, if they were here, they would enter into the spirit of the debate; for their opinion has undergone no change since the trial, and their firm conviction is, that the prisoners ought to be released; and one of them, in the course of a conversation with me, said, "If these men were executed, he would not hesitate to rise in his place in this House and say that their execution was a judicial murder." I therefore again press on the Honourable Member not to divide the House; for no injury can arise from postponing the consideration of the subject for a short time.

Mr. LEADER. — I really cannot see what advantage would arise from the presence of the learned counsel, except the advantage of their argument and legal knowledge. If the subject have not been sufficiently well argued, or if there be a prospect of a larger division at another time, the subject can again be brought before the House in the presence of those Learned Gentlemen. For my own part, I shall be ready to attend, at any time, but I do not see the use of troubling the House with a long debate; and, then, abstaining from a division, because two Learned Gentlemen are not present. I cannot imagine how the case of the prisoners can be damaged by the course which I am now pursuing.

Mr. WAKLEY. — Why, by a small minority.

Mr. LEADER. — I never expected anything but a small minority, and so I told the friends of the parties, adding, that if they held out any hope to the prisoners, they would do a very unfair, wicked, and cruel thing. I said I believed that strict justice had not been done to these unfortunate men, and that I was quite ready to do all I could for them, but I was quite confident I should fail. Having promised to press the question to a division, I cannot accede to the request of the Honourable Member for Finsbury.

The House divided: — Ayes 5, Noes 68; Majority 63.

judges. That course has been adopted, and nine out of the fifteen judges have thought it a valid objection; but there are also nine out of the fifteen who have thought that it was not taken in time. Of the six who thought that it was taken in time, there were two out of the three judges who tried the prisoners. I have been told, by lawyers of the greatest authority, that the prisoners might have insisted on having the objection decided at the trial; and it seems to me only reasonable and just, that they should either have had power to insist upon that, or, that they should, at all events, have the benefit of the opinion of the three judges who tried the cause separate from that of the rest of the judges. The three judges named in the commission were not bound to adopt the opinion of the other judges; and judges in such cases only say, that they will consult their learned brethren. It has always appeared to me a great defect in our law, that there is no court of appeal in criminal cases. This system of reference to the fifteen judges, merely produces an extra-judicial opinion, which ought not to overrule, as it has in this case, the opinion of that court before which prisoners are tried. It is true, that, in cases of treason, the Crown may grant a pardon, on the judges advising that the objection raised is a valid objection; but it requires an Act of Parliament to remove the attaint; and the Crown cannot grant that. Now, I have been told by the learned counsel for the prisoners, that it was clearly understood at the trial, that the prisoners should be placed in no worse position than if the objection had been then and there decided. That has been stated to me by the learned counsel for the prisoners; at all events, I have so understood them. I regret that they are not now in their places here, that I might appeal to them for confirmation. And how can it be said that the prisoners have not been placed in a worse position? This subject, too, possesses an importance beyond that attached to the particular case; because the working classes will lose all confidence in the law, unless they believe that it is in all cases literally and strictly interpreted; and in this instance, I repeat, there prevails a strong opinion amongst them, that it has been strained against these prisoners, and that they have been punished more with reference to the great guilt of their attempt, and the mischief that would be caused by it, than in accordance with the strict interpretation of the law. What, I ask, can possibly be more mischievous, than such a notion as this gaining ground among the working classes?

It has been said, that to pardon these men would cause great mischief in the country, and add to the violence that has already been perpetrated; but, on the contrary, I believe that it would have the effect of putting down all violence,—that the moral effect of such a course upon the working classes would be such as would be calculated, more than anything else, to suppress all attempts at violence upon their part. I have heard it stated elsewhere, that, after the point had been decided, the Cabinet determined that the men should be hanged; and that it was only upon a re-consideration of the point of law, that a commutation of the sentence was decided on. But if that argument be good for anything, it goes to the full extent of a free pardon. If the consideration of a point of law could have influenced the decision of the Government at all, it ought to have done so in favour of the entire pardon of the prisoners. What is transportation for life? In my opinion, there is very little to choose between transportation for life and hanging; and having sat upon the Committee of Inquiry into the transportation system, and been made acquainted with its horrors, I hesitate whether I should not say that transportation for life is a worse punishment than instant death; for, in the former case, the man has nothing to look forward to but death, after years of torture,—perhaps not so bad as that which used to be inflicted under the Holy Inquisition in Spain, but, at all events, the most terrible which, in modern times, can be inflicted upon human nature, — torture, indeed, so great, that many prisoners in Norfolk Island have killed each other, or committed suicide, rather than endure it. And this it is to which, in our mercy, we have condemned these men, after having had it admitted that a doubt upon a point of law justified a commutation of their sentence. I shall be told, perhaps, that the House of Commons is not the proper place for the discussion of such a question; but it is the only place to which these parties, who feel themselves aggrieved, can come for redress; and, beyond all question, it is just as consistent with justice, that this House should address the Queen upon this as upon any other subject. There is no doubt that the feeling which prevails among the working classes is very strong upon this subject; but I believe that, if the Government had taken a middle course, they would have considered that the prisoners had had far greater justice done them than they now look upon them as having received. Why should not the Government have come to an agreement with the prisoners in this way, and have said, "You are in our power; we can order you to be executed; but if you consent to leave the country, we shall be satisfied;"—because the only desire among the middle classes was to get rid of these men, in order that they might be the cause of no more mischief, although, no doubt, there were some who were sorry that they were not executed. This sanguinary disposition, however, I am sure, was confined to a very few individuals; as the people, in general, would only, unquestionably, have been satisfied with getting the prisoners fairly out of this country. In conclusion, then, Sir, I have only to say, that I have been very anxious to bring this matter forward much earlier, and certainly before the prisoners had left these shores for Van Diemen's Land; but I have postponed it several times, in consequence of a request which the legal advisers of the prisoners made to me, stating that negotiations were pending between the Government and themselves, with which this motion might interfere. A great deal of misrepresentation has gone abroad on the subject: I believe the learned counsel have been accused of not urging the case of their clients as much as they ought to have done. But I entirely acquit them of such a charge; I have never made any such accusation, but I have myself, also, been accused of not having done my best to bring forward the subject. All I can say is, that I have done what I considered to be best, and what I have been advised to do by the most experienced of my friends, with respect to bringing the subject forward, in order that the prisoners might have the benefit of any doubt raised in this House. I have, now, only to move, "that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones."

Mr. HUME. — In rising, Sir, to second the motion of my Honourable Friend, I will, at the outset, state that I do so, not on the merits of the case itself, because I consider that the crime of these men has been most detrimental to the country and to the cause of public liberty in general; and that, so far as their offence is concerned, they have decidedly merited the fate they have met with. But, Sir, there prevails a great impression abroad, that, in this case, the parties have not been treated in the same manner as others have been in cases of high treason; and I believe and hope that, in the course of this discussion, we shall hear something stated that will be calculated to remove this impression; for nothing can possibly be worse for the country than anything which tends to bring the administration of justice into discredit. The ground of the complaint against the Government in this case is, that, a Commission having been appointed to try these prisoners, the usual legal forms were not attended to, and the lists of witnesses not delivered in, in proper time. I am told that it is not usual for a criminal case of this sort to be referred to the fifteen judges; but that the judges at the trial should give their opinion upon any objection taken.

Now, another feature of the ground of complaint is, that two out of the three judges who tried the case stated that the prisoners would not be in a worse position than before the trial. It is also alleged, that two of those judges have recommended the removal of the criminal punishment. The answer of the bench to Sir F. Pollock certainly was, that these men should not be in a worse position; and we have the avowal of the Marquess of Normanby, that, but for this opinion of the judges, they would have been hanged. If, then, the Secretary of State thought that the objection which was taken was of sufficient importance to justify the removal of the capital punishment, why, let me ask, should not these men have been pardoned? If I am correct in the facts I have alluded to, I can have no hesitation in saying, that, if these men were entitled to the remission of the capital punishment, they were also entitled to a full and free pardon. With respect to an Address to Her Majesty, there cannot, possibly, be a subject of greater importance than this, on which to adopt such a recommendation; and I should certainly wish that the impression which has taken so strong a hold of the public mind should be communicated to Her Majesty in such a manner as to insure her gracious attention. We are without any knowledge of what took place at the meeting of the fifteen judges; and, independently of this, I am given to understand that this is the only case of high treason in which a reference to the whole of the judges was ever made. Coupling this with the fact of two out of three of the judges who tried the prisoners having morally acquitted them, I confess that I am at a loss to determine on what ground the Secretary of State should conclude that such a combination of circumstances favourable to these men ought not to have led to an entire acquittal. There is, also, another objection which I have to make to the course which has been adopted; it is, that such a proceeding appears to me to involve the establishment of a very bad precedent; and for this reason, that the result of it will be, that cases will arise in which judges, not having the courage to act on their own judgment, will not like to take upon themselves the responsibility of condemning a prisoner; but will, on the contrary, endeavour to shift it from their own shoulders to that of the fifteen. I say, then, that this alone is enough to show the danger of establishing a precedent like this, — a precedent upon which many a really innocent man might be considered guilty. Besides, if this sort of reference is to be made in one case, why not in all? And what, under such a system, would speedily be the state of the criminal law of this country? The grounds, then, Sir, on which I support this motion, are these: — that, a Commission having been appointed to try these men, an objection to the legality of the proceedings was taken at the trial; that that objection was taken in time, according to the opinion of six of the judges; and that, as it appears that two out of the three judges that presided at the trial were among the six who were of that opinion, these men ought to have been acquitted. These, I know, are the opinions of a great body of the people; and if I am correct — and I am open to contradiction from any Honourable Gentleman if I am not — in these statements, I must maintain that a pardon, and not a punishment, ought to have been the portion of these prisoners. I am sorry to have detained the House so long; but I still more regret that any necessity should have arisen for a motion like that which I now beg to second.

Question put.

Mr. FOX MAULE. — I am extremely sorry to have to address the House on a motion of this sort; and I deeply regret that the Honourable Gentleman the Member for Westminster should have thought it right to make this House a court of appeal from that tribunal from which he has declared that no appeal exists. The Honourable Member has laid aside, entirely, all reference to the prerogative of mercy as exercised by the Crown; and states, that what he seeks is an act of right and justice to these individuals. The Honourable Gentleman has said that these three individuals have been tried for a political offence. Now, in my mind, the crimes with which they were charged were not mere political offences, but deserve a much stronger name; inasmuch as the object which they had in view was, to overturn the whole system of society in this country; and, by an act of violence, to strike at the very root of the constitution under which we live. A preliminary objection was taken at the trial, to the extent that the forms of the law of treason had not been fulfilled. It was urged that the delivery of the copy of the indictment, and of the lists of witnesses, was not simultaneous. This point was referred to the three judges at the Commission; and it is stated that two out of those three judges entertained an opinion that the objection raised was a valid objection, and that, entertaining such an opinion, they ought to have decided the point on the spot, and in favour of the prisoners, giving them the benefit of the objection. Now, it appears to me, that the very fact of the judges having declined to decide the question upon the instant, shows that a great doubt existed in their minds, and that they were anxious to have the opinion of the rest of the judges before an ultimate decision was given upon it: they consequently reserved the point. It has been stated that this is not the usual practice in cases of treason. I shall probably, however, be followed by others who are more conversant with the law than I can be, and who will inform the House correctly upon that point; but I apprehend it will be found that the usual legal forms have not, in this instance, been departed from; but that the judges gave the prisoners all the advantages that could be derived from the objection that was raised in their favour. This is made perfectly clear from the narrative of the trial, which the House is familiar with, and from which it appears that, in reply to the question put to the court by the prisoners' counsel (Sir F. Pollock), the Chief Justice stated, that the common course taken at assizes was, to reserve any difficult point in which an objection might be raised for the opinion of the fifteen judges in London; and said that, if the point in the present case were decided by the fifteen judges in favour of the prisoners, they would thereby be placed in the same position in which they would be, in case the point were decided at the trial; but he also added, that, in case the point were decided in their favour, it would not have the effect of giving the prisoners a verdict of acquittal, but merely of postponing the trial until the forms of the law of treason should have been properly and legally gone through. I will not, however, go into the whole case; but onfine myself, as I think I shall be more ustified in doing, to that portion of the ircumstances which relates more partiularly to the department with which I ave the honour to be connected. The irst intimation which my Noble Friend t the head of the Home department had, f the decision of the fifteen judges, was letter from the Chief Justice, which tated, that the argument in the three ases of Frost, Williams, and Jones had losed, and that the judges had come to a etermination on the two questions reerved for their opinions. That letter was to the following effect: —

Westminster Hall, 28th January, 1840.

My Lord, — I have the honour to inform our Lordship that the argument upon the three ases of the Queen v. Frost, the Queen v. Williams, and the Queen v. Jones closed this afernoon, and that the judges, after considering he subject, have come to the following deterination upon the two questions which have een argued before them; namely: —

First, a majority of the judges, in the proporion of nine to six, are of opinion that the deliery of the list of witnesses was not a good deivery in point of law.

But, secondly, a majority of the judges, in the roportion of nine to six, are of opinion that he objection to the delivery of the list of witesses was not taken in due time.

All the judges agreed, that if the objection ad been made in due time, the effect of it would ave been a postponement of the trial, in order o give time for a proper delivery of the list.

The result, therefore, of the determination of he judges is, that the conviction is right.

I will have the honour of calling on your ordship to-morrow at the rising of the court, if should receive any intimation to that effect.

I have the honour to remain,
My Lord,
Your Lordship's faithful and obedient servant,
N. C. Tindal.

The Lord Marquess of Normanby,
&c. &c. &c.

Such was the result, then, of the resoution to which the fifteen judges came; nd, when the House considers the terms f it, and what would have been the conequence of their decision having been in avour of the prisoners, I think it will gree with me, that the objection of the Honourable Gentleman who has made his motion, as to their being tried ten days sooner or later, carries with it very ittle weight. Upon the trial of the prisoners, an objection was raised, that they ad not had sufficient time to be prepared or it; but, I must say, that I have not et seen or heard anything to induce me o believe that they would have been a whit more prepared afterwards, than they were at the time this objection was made. But, Sir, this is not all; for, in addition o this, the learned counsel for the prisoners had put in a memorial, in which all was stated, in effect, which has been stated, this evening, by the Honourable Member for Westminster; and to that memorial, the judges gave a clear, distinct, and conclusive answer, and which I will read to the House. The answer to that memorial was in the following terms: —

Westminster Hall, Jan. 31. 1840.

My Lord, — We have perused and considered the memorial of Sir Frederick Pollock and Mr. Kelly, counsel for the prisoner John Frost, who was tried under the late special commission at Monmouth, and beg to inform your Lordship, that the memorial appears to us to be founded upon an entire misconception of the law relating to the course of proceeding in criminal cases; and, so far as we the judges under the special commission are concerned, an entire misapprehension of the fact.

As to the law, the uniform practice has been, so far back as we have any means of knowledge, that if the judge upon the trial of an indictment feels any serious doubt as to an objection that occurs in point of law, he decides the point against the prisoner, and allows the trial to proceed; reserving such point of law, in order that he may take the advice and opinion of all the other judges thereon. After consulting them, and hearing argument thereon (if thought necessary), the opinion of the judges is taken; and that of the majority binds the judge who has reserved the question. If that opinion should be against the prisoner, the law is suffered to take its course, and the sentence which has been passed remains. If the opinion of the judges is in favour of the prisoner, the constant course is for the judge who tried the prisoner, and passed the sentence, to apply to the Secretary of State for a free pardon. And this course in no way depends on any consent, expressed or implied, on the part of the prisoner; the judge pursues it at his own discretion, and decides the point, for the present, against the prisoner, giving him the benefit of further consideration and advice with the other judges. And this course is pursued for the manifest purpose of preventing a failure of justice, inasmuch as if the judge decided under his immediate impression, supposing it to be in favour of the prisoner, and directed an acquittal, there could be no new trial, although, upon reference to the other judges, his own opinion was held to be wrong. On the other hand, if the opinion of the judge is at the time unfavourable to the prisoner, it can be reserved by that course, and, if erroneous, set right.

With respect to the statement in the memorial of what took place at the trial, so far as relates to ourselves, we cannot but remark that the learned counsel labour under a complete misapprehension; at which we are the more surprised, as we expressly stated that no distinction would be made between this and other cases tried at the assizes, but that it must follow the ordinary course.

At the time of the discussion, we all of us entertained serious doubts, more or less strong, on the objection that was raised before us. And if the law had obliged us to come to an immediate and final decision, without the power of consulting the judges, which the law does not, we were not prepared, without much further consideration, nor without hearing the argument on the part of the Crown concluded, to come to

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Hartlepool Dock and Railway Company Bill. — Petition of owners of and proprietors in certain railways and collieries in the county of Durham, against. — Referred to the Committee on the Bill; counsel ordered.

London and Greenwich Railway Bill. — Petitions against, — from Messrs. Williams, Brooks, Powell, and Broderip; South Eastern Railway Company; and London and Croydon Railway Company. — Referred to the Committee on the Bill; counsel ordered.

Greenock Improvement Bill. — Petition of James Walkinshaw, Esquire, against. — Referred to the Committee on the Bill; counsel ordered.

Glasgow Poor Rate Bill. — Petition of the moderator and preses of the Relief Church, Dowhill, Glasgow, against. — To lie on the table.

Eastern Counties Railway Bill. — Petition from Halesworth, in favour. — To lie on the table.

Bolton Small Debts Bill. — Petition from Anlezarke, and other places, in favour. — To lie on the table.

Railways. — Petition of the Newcastle upon Tyne and North Shields Railway Company, for alteration relative to the tax on passengers. — Referred to the Select Committee on Railway Communication.

Torquay and Dartmouth Roads Bill. — Reported, and recommitted to the former Committee. — Leave given the Committee to sit and proceed, and to report on Monday next.

Manchester and Salford Junction Canal Bill. — Reported; amendments made; Bill to be ingrossed.

Arbroath and Forfar Railway Bill; Chester and Crewe and Grand Junction Railways Consolidation Bill. — Reported; Reports to lie on the table, and to be printed.

Macclesfield and Congleton Road Bill; Birmingham and Wyrley Canals Union Bill; Crown Point (Leeds) Bridge and Roads Bill. — Reported; Reports to lie on the table.

North Union Railway Bill; Kennet and Amesbury Road Bill; Marine Insurance Company Bill. — Read a third time, and passed.

Glasgow Bridewell Bill. — Read a second time, and committed to Mr. Lockhart and the South Scotland list.

Calton of Glasgow Police Bill. — Read a second time, and committed to Mr. Dennistoun and the South Scotland list.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

Lord Viscount Cantilupe, for Lewes.

NEW WRIT FOR WOODSTOCK.

In the room of the Marquess of Blandford, now Duke of Marlborough.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Corn Laws, — By Mr. Strutt, Mr. E. Buller; Mr. W. Evans, Mr. Baines, Mr. Brotherton, Mr. Greg, Mr. Gisborne, Sir G. Strickland, and Mr Hume, for repeal, — from Dukinfield, Peterhead; Longton; Glossop; Sowerby Bridge; Small Bridge; Linlithgow; Forfar; Salterforth; Bolton by Bowland; Rimington; Lower district of Wigtown, Cockermouth; Failsworth; Grassington, Bridgeton; Hathersage; Lower Place, Lançaster; Derby (corporation); Derby (printers and bookbinders); Boddam; workmen in Messrs. Sheard, Spedding, and Co.'s new mill, Batley; Messrs. E. and T. Dodgshon's mill, Jersey Street, Manchester; Messrs. George Woolley and Son, Gaythorn; Messrs. Howard and

Atkinsons, Deansgate; Perth (dean of guild); George Fritche; Markinch (chairman); Fordingbridge; High Down; Petrockstow; Newton St. Petroch; Burrington; Huntshaw; Wear Gifford; Alwington; Buckland Brewer; Langtree; Sheepwash; Thornbury; Tavistock; Challacombe; Ogden; Shaw Clough; Gasstown; Four Lane Ends, Pilkington; Ratcliffe; Rake Wood; and Linton.

By Sir C. Brooke, Mr. Waddington, and Lord Eliot, against repeal, — from West Suffolk, and members of the South Suffolk Agricultural Association (three petitions); St. Merryn; Hatfield, York; and chairman of the grand jury of the Queen's County Lent assizes.

Church Patronage (Scotland), — By Mr. W. F. Campbell, Mr. Lockhart, Mr. Houstoun, Lord Castlereagh, and Mr. Fox Maule, for alteration of the law, — from Kilarrow or Bowmore; Tannadice; North Knapdale; Portnahaven; Glenorchy and Inisheil; South Knapdale; Lochgilphead; Kilmenny; Iona; Inveraray; Kirkgunzeon; Ormiston; Torthorwald; Glassary; Hutchesontown; Argyll; presbytery of Lorn (moderator); presbytery of Kilchoman (moderator); Dunoon (moderator); presbytery of Dalkeith (moderator); Larkhall; Dunnichen; Polwarth; Tencaitland; Edzell; Inverbrothock; Dun; Auldearn; Monimail; Muthill; Dallas; Nenthorn; Kennethmont; Kintore; Lunan; Half Morton; Kirkmahoe; Montrose; Kinnettles; Lochrutton; Terregles; Mousewald; Fintry; Mordington; Ladyloan; Kelso; Drumblade; Kirkcaldy; Panbride; Huntly; Cairnie; Glass; Abbotshall; St. Vegean's; Peterhead; Ardeonaig; Stracathrow; Invertiel; Keith; Portsoy; Mortlach; Buckie; Bangor; Bridge of Weir; Manner; Inchinnan; Kirkurd; Portmoak; and Dingwall (moderator).

China, — By Mr. P. Howard and Mr. Lascelles, for prevention of hostilities, — from Carlisle; and Wakefield.

Maynooth College, — By Mr. Broadley, Mr. Darby, and Sir T. D. Acland, against further grant, — from Heybridge; Instow; Aldburgh; deaneries of Barnstaple and Sherwell; and Withernwick.

Union Workhouses Bill, — By Sir W. Heathcote, in favour, — from Droxford union; Purnell by Purnell; and Eastbourne union (chairman).

Flour Importation (Ireland) Bill, — By Mr. Corbally, against, — from Meath; and Askeaton.

By Mr. Wyse, — of the president of the Chamber of Commerce of Waterford, in favour.

Church Rates, — By Mr. Easthope, Mr. Ewart, and Mr. Hawes, for abolition, — from Domgay; Bow (Middlesex); Hemel Hempsted; Melton Mowbray; Shabbington; Dukinfield; Weymouth; Ramsey; Perth; and Ickford.

Designs Copyright Bill, — By Mr. Stansfield, in favour, — from Vale of Leven; and Huddersfield.

Universal Suffrage, &c., — By Mr. Dennistoun, for adoption, — from Glasgow; Thomas Bennet; Andrew Hutton; John Hyslop; Daniel Wilkie; Jane Muirhead; Jean Limerock; James Maver; John Chisholm; workmen in the employ of R. Farie and Co., Glasgow; operatives in F. Wood's cotton spinning factory, Bridgeton; workers of Mitchell and Locke's factory, Greenhead; Matthew Thomson, edge tool maker, Kirk Street, Calton, Glasgow; Messrs. Randolph, Elliot, and Co., Glasgow; Bannockburn; John Paterson; William Peters; John Stewart; James Downs; Robert Whitelaw; Airdrie; Fergus M'Cubbin; John Robertson; workmen of the Glasgow University printing office; and Gorbals (chairman).

Emigration, — By Mr. Dennistoun, — of the preses, secretary, and managers of the Calton of Glasgow Emigration Society, for aid.

James Workman, — By Mr. T. Duncombe, — of William, Joseph, and John Workman, complaining of his imprisonment in Springfield gaol, for leaving the Billericay union workhouse in the wearing apparel of the establishment, he, at the time, being alleged to be of unsound mind. — To be printed.

Railways (Ireland), — By Mr. W. S. O'Brien, — of the high sheriff and grand jury of the county of Limerick, for the adoption of measures for promoting railway communication in Ireland.

Mechanics' Institutions, — By Sir G. Clerk, — from Edinburgh, for encouragement thereof.

Municipal Corporations (Ireland) Bill, — By Sir R. Inglis, against, — from Burghfield and Charlbury.

Copyright Bill, — Of James West and workmen in his employ, against.

Ecclesiastical Duties and Revenues Bill, — By Mr. Baines, — of members of the Bath Church of England Association, against.

Sale of Beer Act, — By Mr. Hume, — from Stoke upon Trent, for placing retailers of beer on the same footing as licensed victuallers.

County Constabulary Act, — By Mr. Hume, — of the chairman of the Radical Association of Salford, for repeal.

Printed Papers,—For discharge of the sheriff of Middlesex, from Stoke Doyle, and Ravenstone.

Sale of Bread Act, — Of George Beacon, for extending the operation of the Act 6 & 7 Will. IV. c. 37. to the city of London and bills of mortality.

Coal Trade Regulation Act, — Of George Beacon, for extending the operation of the Act 1 & 2 Will. IV. c. 76. throughout the United Kingdom.

Church of England, — By Sir R. Inglis and Sir R. Peel, — for extension, from Petersfield; Church Gresley; Warnford; Hartley Wespall, Thruxton; Fyfield; Matlock; Steeple cum East Claydon; Colmere; Buriton; deaneries of Barnstaple and Sherwell; and Silverton.

Church Establishment (Colonies),—By Mr. Pakington,—of the archdeacon and clergy of the deaneries of Barnstaple and Sherwell, for extension.

Medical Profession, — By Mr. Warburton, — of the president and secretary of the North of England Medical Association, for reform.

Poor Law Amendment Act, — Of the chairman and clerk of the board of guardians of the Nantwich union, in support.

NEWPORT RIOTS.

Mr. T. DUNCOMBE. — I have a petition to present from the parish of Clerkenwell, praying for a free pardon to Frost, Williams, and Jones. This petition is signed by upwards of 1000 persons. There is one passage in it which I deem it right to make known to the House, in order that any Honourable Member may object to the reception of the petition, if he should think it necessary, although I see no objection to the passage. The petitioners state, that they consider they have a claim on the House for its interference on behalf of the individuals already named, inasmuch as, if the House had paid proper attention to the great national petition which was presented last Session, complaining of grievances, and praying for redress of them and which petition was more numerously signed than any that has ever before been presented to Parliament, the unfortunate events at Newport would never have taken place; but that the people, stung by the neglect of the House, and despairing of relief from Parliament, had been compelled to resort to force.

To lie on the table.

PRINTED PAPERS.

SIR FRANCIS BURDETT. — Sir, I have been intrusted with the following petition from Mr. Thomas George Johnston Pearce, now a prisoner of this House, and in the custody of the Sergeant-at-Arms. The petition humbly showeth that your petitioner is confined under the authority of the warrant of the Right Honourable the Speaker of your Honourable House, for having been guilty of an alleged high contempt and breach of the privileges thereof; but which he is insensible of having wilfully committed, your petitioner having only done that which was imperatively demanded of him in the performance of his duties as clerk to Thomas Burton Howard, the attorney in the cause of "Stockdale *v.* Hansard:" That, upon the incarceration of your petitioner, he was deprived of his means of supporting himself and his family, and is now without any pecuniary resources other than the contributions of a charitable and sympathising public: That your petitioner was supplied with provisions by Mr. Bellamy, the keeper of your Honourable House, from the 9th day of February last, the day of his committal, until Friday, the 6th of March instant, when, to the great surprise of your petitioner, he had a bill delivered to him by that gentleman, amounting to the sum of 4*l.* 19*s.*, being the cost of the maintenance of your petitioner during that period: That your petitioner being unable, from the circumstances above set forth, to meet this demand, humbly prays your Honourable House to direct that the payment of the said sum may be excused to him, and further to order that the Sergeant-at-Arms attending your Honourable House may, in future, supply your petitioner with rations free of cost. I move, Sir, that the petition be printed with the Votes, so as to give Honourable Members an opportunity of considering, between this time and to-morrow, whether this gentleman shall not be discharged without any payment whatever.

Ordered to be printed.

LORD JOHN RUSSELL. — I have a petition to present, Sir, from the Messrs. Hansard, which I move shall be read by the clerk. I also move that it be printed and taken into consideration to-morrow.

Petition read, as follows: —

The humble petition of James Hansard, Luke Graves Hansard, and Luke James Hansard, printers to this Honourable House,

Showeth, — That your petitioners were, on Monday, the 9th day of March, instant, served with notice of a writ of inquiry of damages in the further or fifth suit commenced against your petitioners in the Court of Queen's Bench by John Joseph Stockdale.

That the following is a copy of such notice:—

"In the Queen's Bench.

"Between John Joseph Stockdale, plaintiff, and James Hansard, Luke Graves Hansard, and Luke James Hansard, defendants.

"Take notice, that a declaration against you is this day filed in the Queen's Bench Declaration Office, Temple, London, at the suit of the above-named plaintiff, in an action on the case, and that unless you plead thereto in eight days from the service hereof, judgment will be signed against you by default.

"Dated this 9th day of March, 1840.

"Yours, &c.,
"T. B. Howard,
"Plaintiff's Attorney,
"Norfolk Street, Strand."

"To James Hansard, Luke Graves
Hansard, and Luke James Hansard,
the above-named defendants.

"Messrs. Hansard. Delivered at the office door in Westminster, 9th March, at ½ p. 12, P.M."

That your petitioners, in order to ascertain correctly the cause of action in such further or fifth suit, caused the declaration filed by the plaintiff in the Queen's Bench Declaration Office to be taken out of the said office, and of which declaration the following is a copy: —

"In the Queen's Bench.

"The ninth day of March, in the year of our Lord one thousand eight hundred and forty.

"Herts, to wit: John Joseph Stockdale, the plaintiff in this suit, by Thomas Burton Howard, his attorney, complains of James Hansard, Luke Graves Hansard, and Luke James Hansard, the defendants in this suit, who have been summoned to answer the said John Joseph Stockdale in an action on the case. For that whereas, before and at the time of committing the grievance hereinafter complained of, the said plaintiff was, and for a long time had been, a bookseller and publisher of books, and as such bookseller and publisher of books, had published divers and very many scientific books, and particularly, in the year of our Lord one thousand eight hundred and twenty-seven, a certain physiological and anatomical book, written by a learned physician on the generative system, illustrated by anatomical plates. And whereas the said defendants, on the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, did publish, and cause to be published, of and concerning the said plaintiff, in his said trade and business of a bookseller and publisher, in a certain book purporting to be Reports of the Inspectors of Prisons of Great Britain, the passage following, that is to say, 'This last is a book (meaning the said physiological and anatomical book) of a most disgusting nature, and the plates are indecent and obscene in the extreme.' Whereas, in truth and in fact, the said book is purely of a scientific character; yet the said defendants, well knowing the premises, but contriving and maliciously intending to defame and injure the said plaintiff in his said trade and business of a bookseller and publisher, and cause it to be believed that he published indecent and obscene books, on the second day of July, in the year of our Lord one thousand eight hundred and thirty-nine, maliciously and falsely did publish, and cause to be published, of and concerning the plaintiff, in his said trade and business of a bookseller and publisher, in a certain printed paper purporting to be a copy of the reply of the Inspectors of Prisons for the Home District, with regard to the Report of the Court of Aldermen to whom it was referred to consider the First Report of the Inspectors of Prisons, so far as relates to the gaol of Newgate; which said copy of the reply purports to be a letter from William Crawford and Whitworth Russell, Esquires, Inspectors of Prisons for the Home District, to the Right Honourable Lord John Russell, &c. &c. &c., the false, scandalous, malicious, and defamatory libel following, that is to say; — 'But we deny that that book is a scientific work (using that term in its ordinary acceptation), or that the plates are purely anatomical, calculated only to attract the attention of persons connected with surgical science; and we adhere to the terms which we have already employed as those only by which to characterise such a book' (meaning thereby that the said book was disgusting and obscene, as stated in the above-mentioned Report of the Inspectors of Prisons of Great Britain). And, in another part of the said libel, to the tenour and effect following, that is to say;—'We also applied to several medical booksellers, who all gave it the same character. They described it as one of Stockdale's obscene books' (meaning thereby that the plaintiff was a common publisher of obscene books); 'that it never was considered a scientific work; that it never was written for, or bought by, the members of the profession as such; that it was intended to take young men in, by inducing them to give an exorbitant price for an indecent work,' to the great injury of the said plaintiff in his said trade and business, and also of his fair fame and reputation, and to the damage of the said plaintiff of fifty thousand pounds; and therefore he brings suit, &c.

"268. — In the Queen's Bench, the 9th day of March, 1840. Stockdale *v.* Hansard and others. The defendants must plead hereto in eight days, or judgment; and the plaintiff hereby demands a plea or judgment.

"T. B. Howard."

That your petitioners find, on examining the foregoing declaration with the declarations in the former actions against your petitioners, at the suit of the said John Joseph Stockdale, that the cause of action is identical, — namely, for the alleged publication of a libel of and concerning the plaintiff, contained in the Reports of the Inspectors of Prisons of Great Britain, and also in a letter addressed by the said inspectors to Lord John Russell.

That the said Reports and letter, in respect of which the present as well as the former actions were brought, were printed by your petitioners under the authority and by direction of your Honourable House.

Your petitioners therefore humbly pray the instructions of your Honourable House on the matter of this their petition, and on the course they should pursue with respect to the said notice and writ of inquiry.

To be taken into consideration tomorrow, and to be printed.

INLAND WAREHOUSING BILL.

Petition of the East and West India Dock Company (presented 21st February), referred to the Select Committee on Inland Warehousing.

COMMERCIAL LEAGUE WITH PRUSSIA. — BANKING ESTABLISHMENTS.

Mr. WODEHOUSE. — Sir, as considerable surprise has been created in the commercial world at the non-production of Dr. Bowring's Report on the Prussian Commercial League, and as great anxiety prevails to know the reason why it is not produced, I beg leave to give notice that, unless it be presented in the course of the present week, I shall feel it my duty to move that it be produced forthwith; but I hope the Noble Lord the Secretary for Foreign Affairs will not think that, by so doing, I wish to create any unnecessary embarrassment in his department. I also give notice, that it is my intention, on the nomination of the Select Committee on Banking, to put a question to the Chancellor of the Exchequer respecting the exclusion, from the consideration of the Committee, of bills of exchange, which form so large an element of the circulation in the great manufacturing districts of the kingdom; and also another question respecting an inquiry relative to the continuance of one pound notes in Scotland and Ireland.

CHURCH RATES.

Mr. EASTHOPE. — I give notice, Sir, that, immediately after Easter, I shall move for leave to bring in a Bill to relieve Dissenters from the payment of church rates.

KING OF HANOVER. — WEST INDIA MAILS.

Mr. HUME. — I give notice that, on this day fortnight, I shall move for leave to bring in a Bill to suspend the yearly allowance of 21,000*l*. to the Duke of Cumberland, as long as he shall remain King of Hanover. I shall take this opportunity of withdrawing a motion, of which I have given notice, for a Select Committee to inquire as to the best mode of opening a steam communication for the mails to the West Indies and other places in North and South America, as I understand arrangements are making, or to be made, which will render that Committee unnecessary. My motion relative to the production of correspondence on Turkish affairs I now postpone to this day fortnight.

PRINTED PAPERS.

Mr. SPEAKER acquainted the House, that the Sergeant-at-Arms attending this House had a communication to make to the House.

Whereupon, the Sergeant was called to the bar, and he informed the House that a writ in an action of trespass had been issued against certain officers of the House employed by him in the execution of the orders of this House, at the suit of Thomas Burton Howard, which had been served on some of them; — and then he delivered in the said writ, which was read at the table, as follows: —

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith: — To Ralph Allen Gossett, Charles Stein, William Bellamy, John Mitchell, and John Lead, of the House of Commons, Palace Yard, Westminster, in the county of Middlesex, greeting. We command you, that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Court of Queen's Bench at Westminster, in an action of trespass at the suit of Thomas Burton Howard; and take notice that, in default of your so doing, the said Thomas Burton Howard may cause an appearance to be entered for you, and proceed therein to judgment and execution. Witness, Thomas Lord Denman, at Westminster, the fourteenth day of February, one thousand eight hundred and forty.

(Indorsed.)

This writ was issued in person by the plaintiff within named, who resides at No. 7, Norfolk

Street, Strand, in the parish of Saint Clement Danes, in the county of Middlesex.

Matter to be considered to-morrow.

MESSAGE FROM THE LORDS,

That they have agreed to Winchester Cemetery Bill; and Brighton Small Debts Bill, without amendment.

That they have passed a Bill, intituled, 'An Act to dissolve the Marriage of James Perry, Esquire, with Elizabeth Margaret, his Wife, and to enable him to narry again, and for other Purposes."

CANADA CLERGY RESERVES.

Mr. PAKINGTON. — I wish to ask he Noble Lord whether the Canada Clergy Reserves Bill has been received t the Colonial Office, and whether it will e laid upon the table of the House with he sanction and approval of the Governnent?

LORD JOHN RUSSELL. — The Bill ıas been received; but it did not arrive ıntil the night before last, and I did not ee it until yesterday. I think it will be aid on the table of the House in the ourse of a few days.

WAR WITH CHINA.

Mr. MACKINNON. — I wish to ask he Noble Lord whether there is any ruth in a report which is very generally elieved, that war has been declared gainst China?

LORD JOHN RUSSELL. — No ofcial intelligence has been received mounting to a declaration of war against hina. Instructions were given to the overnor General of India to make cerain preparations; and, although no inelligence of the nature alluded to has een received, I presume that some diections given, or some act done, by the overnor General, has given rise to the eport of a declaration of war having been ıade.

SIR ROBERT PEEL. — Supposing ıat, in consequence of the instructions iven by Her Majesty's Government to ıe Governor General of India, a delaration of war has been made, or some ublic document issued by the Governor eneral of India tantamount to a declaraon of war, I wish to ask the Noble Lord two questions; — first, whether that war, if proclaimed, will be carried on upon the supreme authority of this country, and at the expense of the United Kingdom; and secondly, whether or not Her Majesty's Government will bring down a message to Parliament, announcing that they have resorted to hostilities?

VISCOUNT PALMERSTON. — I apprehend, with regard to the first question, that any communication which may take place with the Government of China will be carried on in the name of the Queen of this country; and that whatever assistance shall be afforded by the Governor General of India to any operations which may be carried on in China, will be assistance lent to this country, under the responsibility of the Government of this country. With regard to the other question, it is not, at present, the intention of Her Majesty's Government to send down any message upon the subject to this House. We have already laid papers on the table which show the state of our relations with China.

SIR ROBERT PEEL. — I am only supposing it to be the case that war has been proclaimed, on account of our present position with regard to China, which is very different from that in which we stood previously to the renewal of the charter of the East India Company. My question is, whether, in the event of hostilities being resolved on, any formal message will be sent down to the House?

VISCOUNT PALMERSTON. — Any communications which may take place between this country and China will be carried on in the name of the Queen of Great Britain, and not in the name of the Governor General of India.

SIR ROBERT PEEL. — That is the very reason why I put the question. In the case of an Indian war, I can quite understand why no message would be sent down to Parliament; because that course is prescribed by ordinary usage. But in this case, the Noble Lord has stated that hostilities are to be carried on at the charge of the country, and in the name of Her Majesty. I presume, therefore, that some formal communication will be made to Parliament on so important a measure as that of war, if a recourse to it be found necessary.

VISCOUNT PALMERSTON. — I used the word "communications," not "hostilities."

Mr. GEORGE PALMER. — Will the Noble Lord state whether there have been any instructions given to the superintendent at China, beyond those in the printed papers which have been laid before the House.

VISCOUNT PALMERSTON. — The instructions given to the superintendent, up to a certain period, are contained in the papers before the House. Those which have since been given, I cannot be expected to make public.

CHINA — OPIUM COMPENSATION.

Mr. HERRIES. — I wish to know whether the Noble Lord can communicate to the House anything further relative to the parties claiming compensation for opium destroyed? No communication is to be found in the papers already produced of a later date than the 13th of June, 1839, from the superintendent at Canton. Are those all the papers that the Noble Lord means to lay before Parliament?

VISCOUNT PALMERSTON.—Every paper has been laid on the table of the House which has been moved for, or which it appears to be expedient to lay before the House, in order to afford full information on the subject.

REFORM IN THE COURT OF CHANCERY.

Mr. AGLIONBY. — I should be glad to learn when Her Majesty's Government intend to bring forward the long-promised measure of reform in the Court of Chancery?

LORD JOHN RUSSELL. — I can hardly give an answer to the question, without anticipating the statement of the Lord Chancellor, in another place.

HILL COOLIES.

SIR JAMES GRAHAM. — I have reason to believe that the Commission which was appointed by the Governor General of India in council, in 1838, and which was to sit at Calcutta, has made a Report respecting the alleged abuses attending the emigration of Hill Coolies. Is the Noble Lord the Secretary for the Colonies cognisant of any such document?

LORD JOHN RUSSELL. — I am quite aware of the appointment of the Commission; but I have not received—neither has my Right Honourable Friend the President of the Board of Control—the Report of that Commission.

SIR JAMES GRAHAM.—I wish to know whether, in the absence of such a document, it is intended to proceed to a reversal of the decision prohibiting the emigration of Hill Coolies, which was adopted simultaneously with the Commission; or whether it is intended to suspend any further proceedings in reference to the subject, until the next Session of Parliament?

LORD JOHN RUSSELL. — I should be very glad to produce that document if I possessed it, provided I had any reason to think, as the Right Honourable Baronet seems to think, that it bore upon the proposed question. I conceive that it does not bear upon the actual fact of the emigration of the Hill Coolies, previous to the prohibition; or that the general question is at all affected by it.

DEMERARA.

LORD STANLEY. — I understand that an Act, passed by the Legislature of Demerara, to encourage immigration into that colony, has been sent to this country, and disallowed; and, at the same time, that an Order in Council has been sent out, which the Legislature there was requested to pass, embodying the recommendations of Her Majesty's Government. If this information be correct, will the Noble Lord have any objection to lay the papers on the table?

LORD JOHN RUSSELL. — The Noble Lord is quite correct in his first assumption. The ordinance of the Demerara Legislature was sent to this country, and disallowed; and I believe the papers relating to it have been laid on the table. No Order in Council, however, has passed upon the subject; but a despatch has been written to the Governor of British Guiana, giving a sketch of an ordinance which, if passed by the Court of Policy there, will be satisfactory to the Government. It has been sent so lately, that it would be unusual, before the decision upon it has been received, to lay it on the table; although on no other ground should I object to its production.

LORD STANLEY. — Does that do-spatch assign the reasons for which the previous ordinance was disallowed?

LORD JOHN RUSSELL. — It does.

LIGHTING OF THE HOUSE.

LORD ELIOT. — Sir, in moving the resolution of which I have given notice, for completing the experiments of lighting the House by means of the Bude light, I shall trespass for a very short time only on the attention of Honourable Members. Almost all the scientific men who have been consulted on the subject of lighting the House, — at least, Professor Farraday, Sir D. Brewster, Dr. Ure, and Dr. Arnott, are of opinion that the present plan, that of wax candles, is objectionable; and have declared themselves in favour of the Bude light. The only exception is Mr. Brande; and he has not delivered a decisive opinion upon the subject. Scientific men are likewise agreed in this, that the difficulties of affording due ventilation, here, are excessive, owing to the frequent variations in the number of persons present; to the influx of air being sometimes too great, and sometimes quite insufficient; and that the Bude light will afford considerable facilities for remedying this evil. Some Honourable Members object to the Bude light as being too strong, and say that it affects their eyes; while others think it not strong enough, and say that they cannot read by it. Now, as I am informed, Mr. Gurney is prepared, if the House will agree upon the quantity of light which it is desirable to have, to give that precise quantity. With regard to the expense, — although the Bude light has cost, since the commencement of the Session, up to the day of its disuse, about 700*l.*,—it must be remembered that the apparatus is sufficient for lighting both Houses of Parliament. Besides, Mr. Gurney says that he can, by an improved process, diminish the expense to one fourth that of the wax candles. Those chandeliers alone have cost 520*l.*, exclusively of the ornamental work; which seems to have been intended by my Honourable and Gallant Friend (Sir F. Trench) exclusively for the benefit of gentlemen who sit in the galleries, as it is completely lost to those who occupy the body of the House. The expense of wax candles amounts to 6*l.* 2*s.* a-night; so that the Bude light, even in its recent, imperfect, and therefore, more costly, condition, is less expensive than the wax candles. There is another circumstance which, as it may be attended with accident, ought not to be overlooked. Each of the lustres at present in use, including the shade, weighs 6 cwt., and it appears to me that the chains by which they hang are composed of links hardly strong enough for such a purpose. On the other hand, it is said that there is a liability to explosion, from the Bude light, which might be attended with still more serious consequences. Now, that is an opinion which I feel perfectly assured no man of science entertains; and as to the disagreeable odour imputed to it, I am enabled to inform the House, on the authority of the Honourable Member for Lambeth, that there is no foundation for that statement. For these reasons, I think the House is bound to go fully and fairly into the experiment recommended by the Committee. Let Honourable Members bear in mind that Mr. Gurney has no interest in the new plan of lighting the House, beyond that which he feels as a man of science. I therefore move, Sir, "That the preparations for lighting the House by means of the Bude light, not having been completed when the experiment was made, the merits of the plan have not been fairly tested:

That these preparations be completed during the ensuing Easter recess; and that a further trial of this mode of lighting the House be immediately afterwards made."

MR. JAMES. — I have great pleasure, Sir, in seconding the motion. I do not believe there is any Member in the House who suffers more from defective sight than I do; and I must confess, that I experienced the greatest possible relief when the unseemly chandeliers were taken away, and the Bude light substituted, which I hope very soon again to see restored.

SIR FREDERICK TRENCH. — The only object I have in view is that Honourable Members should have that light which is most agreeable to them. I will not say one word in favour or against either mode of lighting the House, as Honourable Members are competent, from the experiments that have been made, to form their own opinions upon that point. There is one circumstance, however, which I cannot omit noticing, in consequence of what has fallen from the Noble Lord. I have recently, Sir, taken the trouble to ascertain the weight of the lustres in various public buildings; which enables me to state that the lustre in the chief room in Almacks weighs 6 cwt.; that in the National Gallery, 17 cwt.; in the pit of the Opera House, 14 cwt.; in

Covent Garden Theatre, 18 cwt.; in Drury Lane Theatre, 7 cwt.; and in some public show-room, 15 cwt. The lustres of the House, with shades and chains, amounted to 6 cwt. only. The shades, too, can be formed of lighter material, so as to render them less cumbrous. With respect to the expense of candles, there is an error in the calculation made by the Noble Lord; because the 6*l*., which he has stated to be the expense of each night, does not extend to the candles used in the House merely, but to lights consumed in the coffee-room, reading-room, and other apartments, besides; so that the real expense for the House is not more than 3*l*. per night. The experiments on the Bude light, which have cost the country already 750*l*., have, in my opinion, been fairly tested, and found insufficient.

SIR CHARLES LEMON. — I shall support the motion, Sir, because I consider that the experiments which we are called on to make will not only be of advantage to this House, but afford a safe guide to the lighting of the future Houses of Parliament, which are in the course of construction. At the commencement of this Session, I was struck with the appearance of the interior of the House, owing to the adoption of the Bude light; but since the introduction of these domestic lights, the wax candles, with the overhanging opaque bodies, flanked on one side with a petticoat, and on the other with an apron, the whole architectural beauty of the House has been destroyed.

Mr. GOULBURN. — For my part, Sir, I must say that I prefer the continuance of the wax lights. But under any circumstances, I protest against the principle of the Honourable Member opposite, that I am to be made a *corpus vile* for a series of experiments!

SIR THOMAS ACLAND. — The half-perfected Bude light is, in my opinion, superior to the wax lights; and I shall, therefore, support the motion. At all events, after expending 700*l*. in an experiment, we cannot, consistently, refuse 50*l*. or 100*l*., in order to complete it.

The House divided: — Ayes 136, Noes 86; Majority 50.

AYES.

Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W.
Berkeley, Hon. C.
Bewes, T.
Brabazon, Sir W.
Bramston, T. W.
Bridgman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Buller, C.
Busfeild, W.
Clay, W.
Clive, E. B.
Cole, Lord Viscount
Collier, J.
Courtenay, P.
Craig, W. G.
Cripps, J.
Currie, R.
Curry, Mr. Serjeant
Denison, W. J.
Divett, E.
Dundas, C. W. D.
Dundas, F.
Du Pre, G.
Easthope, J.
Egerton, W. T.
Eliot, Hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, W.
Ewart, W.
Feilden, W.
Fielden, J.
Fenton, J.
Forester, Hon. G.
Gisborne, T.
Goring, H. D.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hamilton, Lord C.
Harland, W. C.
Hawes, B
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hope, H. T.
Horsman, E.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Knight, H. G.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Lister, E. C.
Loch, J.
Lushington, C.
Lynch, A. H.
Macaulay, Right Hon. T. B.
M'Taggart, J.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Milnes, R. M.
Morpeth, Lord Visct.
O'Connell, John
O'Connell, M. J.
O'Conor Don
Ord, W.
Paget, F.
Palmer, R.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Patten, J. W.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pigot, R.
Price, Sir R.
Protheroe, E.
Pusey, P.
Rickford, W.
Roche, W.
Rundle, J.
Seymour, Lord
Sharpe, General
Slaney, R. A.
Somerville, Sir W. M.
Stanley, Hon. E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thornely, T.
Townley, R. G.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Vivian, J. H.
Vivian, Right Hon. Sir R. H.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Worsley, Lord
Wyse, T.
Yates, J. A.

Tellers.
Acland, Sir T. D.
Eliot, Lord

NOES.

Arbuthnott, Hon. H.
Ashley, Lord
Baker, E.
Baring, H. B.
Baring, Hon. W. B.
Blackstone, W. S.
Bradshaw, J.
Broadwood, H.
Castlereagh, Lord Vt.
Chapman, Sir M. L. C.
Chapman, A.
Chute, W. L. W.
Clive, Hon. R. H.
Copeland, Alderman

orry, Hon. H.
alrymple, Sir A.
arby, G.
e Horsey, S. H.
ouglas, Sir C. E.
uncombe, Hon. W.
llis, J.
arnham, E. B.
itzroy, Hon. H.
askell, J. M.
ladstone, W. E.
ordon, R.
ordon, Hon. Captain
oulburn, Rt. Hon. H.
raham, Rt. Hn. Sir J.
rimsditch, T.
rimston, Lord Visct.
lastie, A.
lenniker, Lord
lepburn, Sir T. B.
lerbert, Hon. S.
lerries, Rt. Hn. J. C.
lodgson, F.
lodgson, R.
lolmes, Hon. W. A'Court
lope, Hon. C.
lope, G. W.
loustoun, G.
lurt, F.
nglis, Sir R. H.
rving, J.
ones, J.
ambton, H.
ockhart, A. M.
lackenzie, T.
lackenzie, W. F.
lackinnon, W. A.
lahon, Lord Visct.
Maunsell, T. P.
Miles, P. W. S.
Morris, D.
Nicholl, J.
Palmer, G.
Peel, J.
Pemberton, T.
Polhill, F.
Powerscourt, Lord Vt.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rose, Rt. Hon. Sir G.
Salwey, Colonel
Scrope, G. P.
Shaw, Rt. Hon. F.
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Sutton, Hn. J. H. T. M.
Tancred, H. W.
Turner, W.
Vere, Sir C. B.
Villiers, Lord Visct.
Waddington, H. S.
Walsh, Sir J.
Whitmore, T. C.
Williams, R.
Wodehouse, E.
Wood, Colonel
Wrightson, W. B.
Young, J. (Cavan)

Tellers.
Fremantle, Sir T.
Trench, Sir F.

Resolutions agreed to.

HEALTH OF TOWNS.

On the motion of Mr. Slaney, Seect Committee appointed, to inquire into he circumstances affecting the health f the inhabitants of large towns and opulous districts, with a view to improved anatory regulations for their benefit.

FIRST FRUITS AND TENTHS.

Resolutions reported: —

1. That it is expedient to make provision for he abolition of first fruits and tenths of the lergy, as at present enforced in England and Wales, after the next avoidance; and in lieu hereof to levy an annual assessment of one tenth art of the clear annual value upon all archishoprics and bishoprics, and upon all dignities, enefices, and other spiritual promotions above he clear yearly value of 300*l.*, to be applied, in the first instance, to the augmentation of the maintenance of the poor clergy, and afterwards to the building and rebuilding of churches, and such other purposes as may conduce to the interests of religion.

2. That the chairman be directed to move the House, that leave be given to bring in a Bill pursuant to the said resolution.

First resolution read a second time; motion made, and question put, "That this House doth agree with the Committee in the said resolution."

Mr. GOULBURN. — Sir, after the discussion which took place a few evenings ago, upon this subject, I shall not again enter upon it; but I feel so strong an objection to this resolution, in principle, that I cannot refrain from calling on the House to negative it.

Mr. BAINES. — Having, on the occasion alluded to, explained my views on this subject, at considerable length, I shall at present merely add, that, in the Bill I propose to introduce, I do not wish, rigidly, to adhere to the assessment of rates mentioned in the Report, though, I conceive that that will generally be considered very moderate. I shall, however, leave it to the House, in the progress of the Bill, to regulate the amount of payment to be made out of the higher livings, for the augmentation of the lower; and to award to the labouring clergy such proportion of the real annual income of all livings above 300*l.* a-year, as they may think necessary to maintain the station of the labouring clergy, and to secure to them and their families a competent support.

The House divided: — Ayes 46, Noes 54; — Majority against the resolution 9.

AYES.

Aglionby, Major
Archbold, R.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Bridgeman, H.
Brotherton, J.
Busfeild, W.
Collier, J.
Elliot, Hon. J. E.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hume, J.
Hutt, W.
James, W.
Knight, H. G.
Lemon, Sir C.
Lister, E. C.
Lushington, C.
Martin, J.
Pechell, Captain
Pendarves, E. W. W.
Roche, W.
Rundle, J.
Slaney, R. A.
Smith, J. A.
Somerville, Sir W. M.
Staunton, Sir G. T.
Stuart, Lord J.
Strickland, Sir G.
Style, Sir C.
Tancred, H. W.
Turner, E.
Vigors, N. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Worsley, Lord
Yates, J. A.

Tellers.
Baines, E.
Aglionby, H. A.

NOES.

Bagge, W.
Bentinck, Lord G.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Clay, W.

Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Ellis, J.
Estcourt, T.
Freshfield, J. W.
Gaskell, J. M.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grimston, Lord Visct.
Hamilton, Lord C.
Harland, W. C.
Henniker, Lord
Hepburn, Sir T. B.
Herries, Rt. Hn. J. C.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Irving, J.
Mackinnon, W. A.
Mahon, Lord Visct.
Neeld, Joseph
Nicholl, J.
Palmer, G.
Palmerston, Ld. Visct.
Peel, J.
Polhill, F.
Pusey, P.
Reid, Sir J. R.
Rose, Rt. Hon. Sir G.
Russell, Lord J.
Shaw, Rt. Hon. F.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord Visct.
Vivian, J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyse, T.
Young, J. (Cavan)

Tellers.
Fremantle, Sir T.
Goulburn, Rt. Hn. H.

HORSE-RACING BILL.

Considered in Committee; and reported, without amendment; to be read a third time to-morrow.

SETTLED ESTATES DRAINAGE BILL.

Second reading on Wednesday next.

SUPPLY.—WAYS AND MEANS.

Committees to-morrow.

MUTINY BILL.

Bill, "for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," presented, and read a first time; to be read a second time to-morrow.

MARINE MUTINY BILL.

Bill, "for the regulation of Her Majesty's Royal Marine Forces, while on shore," presented, and read a first time; to be read a second time to-morrow.

RETURNS, &c.

Army. — Statistical Reports presented, — on the sickness, mortality, and invaliding among the troops in Western Africa, St. Helena, the Cape of Good Hope, and the Mauritius (by command). — To lie on the table.

Cotton, Woollen, and Silk.—On the motion of Mr. Greg, Return ordered—

Of the quantities and value of foreign cotton manufactures, woollen manufactures, and silk manufactures imported into the United Kingdom in each of the years ending the 5th day of January, 1836, 1837, 1838, 1839, and 1840; specifying the quantity entered for home consumption, and the amount of duties paid upon each. Also, in respect of cotton goods entered for home consumption; specifying the quantity separately of printed and dyed goods, white and grey piece-goods, hosiery, small ware, and unenumerated goods; and the amount of duty received upon each description.

China. — On the motion of Mr. Herries, Copies ordered —

Of all communications between the Board of Treasury, or the India Board, or any other public department, and the parties or their agents who are holders of certificates or bills granted by the chief superintendent at Canton for opium surrendered to the Chinese authorities; together with an account of the number of such bills or certificates, and of the amount in sterling value which they represent.

County Constabulary Act. — Return (presented 10th March). —To be printed.

Governor General of Canada. — Account (presented 10th March). — To be printed.

Beer Houses. — On the motion of Mr. Hume, Return ordered —

Of the number of persons licensed to sell beer in that collection of the Excise department in which Newport (Monmouthshire) is situated; distinguishing those licensed in the petty sessional divisions of Bedwelty, Abergavenny, Pontypool, and Newport, in the county of Monmouth; and distinguishing those licensed under Acts 1 & 2 Will. IV. c. 64., and 4 & 5 Will. IV. c. 85. (the new Beer Acts), from those licensed under Act 9 Geo. IV. c. 61. (the Magisterial Licensing Act).

Corporal Punishments (Navy). — On the motion of Mr. Hume, Return ordered —

Of the number of corporal punishments inflicted in the royal navy, in each of the years 1838 and 1839 (in continuation of Parliamentary Paper No. 371. of 1838).

Adjourned.

HOUSE OF LORDS, Veneris, 13° die Martii, 1840.

The **Earl** of **Shaftesbury** sat Speaker.

TWEEDDALE BRICK COMPANY BILL. — GARBOLDISHAM INCLOSURE BILL.

Read a second time, and committed for Tuesday next.

ROTHERHITHE BURIAL GROUNDS BILL.

Read a third time, and passed.

LLOYD'S DIVORCE BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly, and went through the Bill, with an amendment. The Report thereof to be received on Monday next.

WOLVERHAMPTON CHAPEL BILL.

Returned from the Commons, with the amendments agreed to.

MANCHESTER AND SALFORD CANAL BILL.—NORTH UNION RAILWAY BILL. — KENNET AND AMESBURY ROAD BILL.

Brought from the Commons, and read a first time.

CHESTER AND BIRKENHEAD RAILWAY BILL.—SHEFFIELD AND ROTHERHAM RAILWAY BILL. — LANCASTER AND PRESTON RAILWAY BILL. — LIVERPOOL EAST INDIA WAREHOUSE COMPANY BILL. — EDINBURGH AND LEITH GAS BILL.

Reported, without amendment.

EDINBURGH GAS BILL.

Reported specially, with an amendment.

House adjourned during pleasure, and resumed by the **Lord Chancellor**.

CORN LAWS.

Lord Redesdale presented petitions against the repeal of, — from owners and occupiers of land and others of the townships of Manfield; Redmire; Richmond; Gaylis; Barforth; Clifton; and Burton upon Yore; Hudswell; Melsonby; and Otterton.

The **Earl** of **Clarendon** presented a petition for the revision of,—from inhabitants of North Curry.

For the repeal of,—from inhabitants of the townships of Much Woolten and Little Woolton.

On the presentation of one of the above petitions, —

The EARL of FALMOUTH said: — May I inquire whether those parties have any other than landed property?

The EARL of CLARENDON. — I am not aware how that fact stands.

FOREIGN FLOUR.

The **Earl** of **Glengall** presented petitions against allowing the importation of, into Ireland,— from inhabitants of Cahir; and of millers of Cahir.

SCOTCH CHURCH PATRONAGE.

The **Earl** of **Galloway**, the **Earl** of **Aberdeen**, and the **Earl** of **Rosebery** presented petitions in favour of the principle of non-intrusion,— from the presbytery of Lanark: of the Presbyterian congregation of Clonmel, in connection with the General Synod of Ulster: from commissioners of supply, justices of the peace, and heritors of the county of

Elgin: and of inhabitants of Humbie and Keith; Auchterhouse; Beith; Lochalsh; Renfrew; Stranraer; St. Thomas, Glasgow; Abbey Parish, Arbroath; Abernethy; Applegarth; Kirkmichael; Knockando; and Ochiltree.

The Earl of Galloway presented a petition praying that some measure may be adopted for settling the question of patronage, — from heritors, elders, and others of Inchinnan.

MAYNOOTH COLLEGE.

The Earl of Galloway presented petitions against any further grant of money for the support of, — from inhabitants of Drayton, in Hales; Happisburgh; and Hinton Saint George.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The Earl of Galloway presented a petition against, — from inhabitants of Happisburgh.

CHURCH RATES.

The Marquess of Normanby presented a petition praying for the release of John Thorogood (a prisoner in Chelmsford gaol), and for the abolition of church rates and of the criminal jurisdiction of the ecclesiastical courts, — from members of the congregation of Protestant Dissenters of the Baptist Chapel, Bow.

CHURCH EXTENSION.

The Bishop of London presented a petition in favour of, — from the minister, chapelwarden, and inhabitants of Bridewell precinct, in the city of London.

MEDICAL PROFESSION.

Petition praying for the consolidation of the medical profession into one faculty or corporation, with power to regulate the examination and government of the whole body; and to confer equal rights and privileges upon all its members, — of surgeons and apothecaries in and near the Tiverton union.

VACCINATION EXTENSION BILL.

On the motion of Lord Ellenborough, read a second time (according to order), and committed to a Committee of the whole House on Monday next.

ADMINISTRATION OF JUSTICE.

The LORD CHANCELLOR. — My Lords, I have to present to your Lordships a Bill to facilitate the better administration of justice, which I trust your Lordships will permit to be now read a first time. I shall postpone the second reading until my Noble Friend the Chief Baron of the Exchequer shall have arrived in town; as he may wish to examine its provisions.

Bill read a first time, and to be printed.

COPYHOLD ENFRANCHISEMENT BILL.

LORD REDESDALE. — My Lords, I have to move that your Lordships will permit to be read a first time the Bill which I hold in my hand. It is a Bill for the commutation of certain manorial rights in respect of lands of copyhold and customary tenure, and of other lands subject to such rights, and for facilitating the enfranchisement of such lands. I will, in a few words, explain to your Lordships my reasons for introducing it. Many objections have been made to the Copyholds Enfranchisement Bill, which is now before a Select Committee of your Lordships' House, and which, it is feared, if carried into effect, will, in some instances, be subversive of the rights of property. As it is not possible that its defects can be remedied in the Committee, I have thought it better to introduce a new Bill, which, I trust, will obviate the difficulties and evils complained of. I shall move, therefore, that the Bill be now read a first time; and I shall fix the day for the second reading after my Noble Friend (Lord Brougham) shall have returned from the Continent.

Bill read a first time, and ordered to be printed.

CRIME IN IRELAND.

The MARQUESS of WESTMEATH. — My Lords, I wish, for a moment, to recur to the case of the convict Lyman, and to inquire whether the Noble Marquess opposite has any objection to lay before your Lordships any memorial that may have been presented to the Government for the commutation of that sentence?

The MARQUESS of NORMANBY.— I cannot answer the question of the Noble Marquess until I have communicated with my Noble Friend the Lord Lieutenant of Ireland.

The MARQUESS of WESTMEATH. —In ordinary times, we might accept such a formal excuse; but, after what has occurred before your Lordships, I think that the well-conditioned part of the Irish community have a right to expect something better than the practice which appears lately to have prevailed, in granting pardons. I think, my Lords, that when —so far as they know, and so far as any information they have received extends — the sentence of a very great offender has been commuted without any communication having been had with the learned judge who tried the case, they have a right to know why so irregular a proceeding has been adopted. The Noble Marquess has not informed the House whether such a communication has or has not taken place.

The MARQUESS of NORMANBY. —I declined to answer the question, because I could not do so without entering into a discussion of the whole subject. If the Noble Marquess makes a motion on the subject, he can then make a speech; and I shall be prepared to answer it.

The MARQUESS of WESTMEATH. —When I was interrupted by the Noble Marquess, I had not any intention of making a speech. I was merely about to observe that, in ordinary times, I should have been perfectly satisfied with the answer of the Noble Marquess. But, looking to the peculiar state of the present times, it is not at all satisfactory. I am quite sure that the Sovereign, in this country, would not venture to commute the punishment of death without communicating, in the first place, with the judge who had tried the case. When I ask the Noble Marquess whether, in this instance, such a communication took place, he refuses to answer "ay" or "no;" but he states that, if a motion should be made on the subject, he will meet it. I cannot collect from that, that what I understand to have taken place may not be repeated. A few days ago, an Honourable Member of the House of Commons brought in a Bill to abolish the punishment of death in cases of murder. That proposition was negatived; and the necessity for resorting to the punishment of death in atrocious cases was thus affirmed. Shall, then, the people of Ireland alone be deprived of the protection afforded by this punishment. Are we to suppose that any person who happens to be placed at the head of the Irish Government can take on himself, at his pleasure, to dispense with the sentences passed on offenders of the worst description? Your Lordships, I conceive, are not fairly treated when the Noble Marquess refuses to answer whether, in this instance, the sentence has been commuted after communication with the judge who tried the criminal, or without any such communication. The person to whom mercy has been thus extended was, it should be observed, the principal — the planner — of the murder which was committed in the metropolis of Ireland, and on account of which several persons were executed.

The EARL of CHARLEVILLE.— My Lords, after what has fallen from my Noble Friend, I submit that the Noble Marquess is bound to give some direct answer to his question. He ought to state whether the Noble Viscount (Lord Ebrington) has commuted the punishment of this convict, after sentence of death had been passed on him in the most solemn way, without having first communicated with the judge before whom his trial took place, that convict being the principal in the murder for which others had suffered. In the last Session, your Lordships agreed to this resolution: — "That it is the duty of the executive Government, when considering any case of conviction had before any of the King's judges, with a view to remitting or commuting the sentence, to apply for information to the judge or judges who tried the case, and to afford such judge or judges an opportunity of giving their opinion on such case, unless circumstances should exist which render any such application impossible, or only possible with an inconvenient delay; but that it is not necessary that the executive Government should be bound to follow the advice, if any, tendered by such judge or judges." Now, after the passing of that resolution, which clearly recognised the propriety of a communication by the Government with the judge before whom a criminal was tried, prior to extending mercy to such criminal, it appears to me that the Noble Marquess is bound to give the information demanded by my Noble Friend. If he should persist in declining, I trust that my Noble Friend will give notice of a motion to compel the Noble Marquess to disclose the fact; and to declare whether, contrary to usage and to the resolution on your Lordships' table, the Lord Lieutenant of Ireland has commuted the sentence of this criminal without any reference to the judge by whom he had been tried.

CROWN LANDS IN CANADA.

The DUKE of ARGYLL. — May I inquire of the Noble Viscount whether Government has received any address from the House of Assembly in Canada, with respect to the disposal of the Crown lands in that province?

VISCOUNT MELBOURNE. — Some papers have arrived, but I cannot say whether any of them refer to that subject. I will, however, inquire.

PAPERS, &c.

On the motion of the Earl of Glengall, Return of all Reports made by stipendiary magistrates and officers of the police to the Inspector General of the Constabulary, of outrages which have been committed within the several counties of Ireland, from the 1st of January, 1839, to the 31st of December, 1839.

Copies of correspondence between John Bagwell, Esquire, and the Commissioners of Poor Laws in Ireland, respecting the appointment of a returning officer for the Clonmel union, in the year 1839; also, copies of correspondence between R. P. Vowell, Esquire, and the above Commissioners, with a copy of a protest forwarded by him on behalf of certain rate-payers of the Kilronau electoral division, in the union of Clonmel, respecting the conduct of the messengers employed by the returning officer of that division, dated in the year 1839.

Ordered to be laid before the House.

Copy of the several warrants of the Poor Law Commissioners constituting the union of Kells, in the county of Meath; the union of Old Castle, in the county of Meath; and the union of Mullingar, in the county of Westmeath. — Delivered (pursuant to order of the 2d instant), and to be printed.

First Report of the General Board of Directors of Prisons in Scotland. — Delivered (by command), and ordered to lie on the table.

Copy of warrant granting compensation to the Right Honourable William Dundas, as keeper of Her Majesty's signet for Scotland: And, also,

Copy of warrant granting compensation to Colin Galbraith, clerk to the keeper of the minute book of the Court of Session (Scotland),

Delivered (pursuant to Acts), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Hartlepool Dock and Railway Bill. — etitions against, — from owners and essees of collieries, and proprietors of ailways, in the county of Durham; and hipowners and owners of and proprietors n certain railways and collieries in the county of Durham. — Referred to the Committee on the Bill; counsel ordered.

Birmingham and Warwick Junction Bordesley) Canal Bill.—Petitions against, - from the company of proprietors of the Birmingham Canal Navigations; Samuel . Galton and John Evans; company of roprietors of the Stratford upon Avon Canal Navigation; Coventry Canal Naviation Company; Charles Woodcock; ane Mills; and Ebenezer Robins. — Reerred to the Committee on the Bill; counsel ordered.

Birmingham and Warwick Junction Bordesley) Canal Bill. — Order (9th March) for committing Bill to Sir Charles Douglas and the Warwick list, read, and discharged; Bill committed to SIR CHARLES DOUGLAS and the North Warwick list.

Petitions against (presented this day), eferred to the Committee on the Bill; counsel ordered.

Taff Vale Railway Bill. — Petitions against, — from the Marquess of Bute; William Thompson and Thomas Seaton Forman; and Richard Hill. — Referred o the Committee on the Bill; counsel ordered.

Petitions from owners and occupiers of lands, mines, &c. lying near the Taff Vale Railway (three petitions); owners and occupiers of estates lying near the said Railway; owners and occupiers of estates within and inhabitants of Newbridge; Cardiff; and tradesmen and inhabitants of Merthyr Tydvil (presented 10th of March). — Referred to the Committee on the Bill.

Staines Bridge.—Petition from Staines, for throwing the same open to the public free of toll. — To lie on the table.

Glasgow Poor Rate Bill. — Petition of elders and managers of the Relief Church, John Street, Glasgow, against. — To lie on the table.

London and Greenwich Railway Bill. — Petitions against, — from the commissioners of highways of St. Mary Magdalen, Bermondsey; churchwardens and overseers, and governors and directors of St. John, Southwark; London and Brighton Railway Company; and commissioners for paving the borough of Southwark. — Referred to the Committee on the Bill; counsel ordered.

CAPTAIN ALSAGER. — I have now, Sir, to present a petition from the president, treasurer, and grand committee of governors of St. Thomas's Hospital, praying that the Committee on the London and Greenwich Railway Bill may be postponed; and, agreeably to the notice I gave yesterday on the subject, I beg leave to move that the Committee on the Bill, which now stands for Tuesday, the 17th of the present month, may be postponed till Wednesday, the 1st of April.

The petition was then ordered to lie on the table.

Question put, — "That the Committee on the London and Greenwich Railway Bill be deferred till Wednesday, the 1st day of April."

MR. W. ATTWOOD. — It is important that, in the proceedings relating to private Bills, we should adhere as closely as possible to the established practice. I believe this motion has not been made with the consent of the Committee generally; and as the object of the proposition is a departure from the usual course, I think the House ought not to sanction it.

LORD G. SOMERSET. — I confess that I can see no reason why the House should refuse its assent to my Honourable and Gallant Friend's motion. The proposition is not to break in upon any of the essential Standing Orders relating to Private Bills, but merely that the Committee may be postponed, in order that the two Bills may be before them at one time.

Mr. W. ATTWOOD. — I think the motion is a most unprecedented one; and if it be pressed, I shall certainly divide the House against it.

The House then divided: — Ayes 30, Noes 5; Majority 25.

AYES.

Aglionby, H. A.
Baines, E.
Baker, E.
Brotherton, J.
Buller, Sir J. Y.
Byng, G.
Chute, W. L. W.
Cole, Lord Viscount
Crawford, W.
Darby, G.
Dennistoun, J.
Duncombe, T.
French, F.
Freshfield, J. W.
Greene, T.
Grimsditch, T.
Hector, C. J.
Hodgson, R.
Humphery, J.
Lincoln, Earl of
Maunsell, T. P.
O'Connell, M. J.
Palmer, R.
Patten, J. W.
Salwey, Colonel
Sandon, Lord Visct.
Sanford, E. A.
Turner, W.
Vernon, G. H.
Vigors, N. A.

Tellers.
Alsager, Captain
Somerset, Lord G.

NOES.

Bainbridge, E. T.
Brocklehurst, J.
Thompson, Alderman
Turner, E.
Wood, Sir M.

Tellers.
Attwood, W.
Barnard, E. G.

Committee deferred till Wednesday, the 1st of April.

The following Bills were read a second time, and severally committed, as under: —

Birmingham Canal Bill, — To Mr. Charles Villiers and the South Stafford list.

Kirkcudbright Roads Bill, — To Mr. Horsman and the South Scotland list.

Crichton Charities Bill, — To Mr. Pringle and the South Scotland list.

Glasgow, Paisley, and Greenock Railway Bill, — To Mr. Wallace and the South Scotland list (instruction to the Committee that they have power to divide the Bill into two Bills).

Taunton Roads Bill, — To Mr. Sanford and the West Somerset list.

Taunton Markets Bill, — To Mr. Sanford and the West Somerset list.

Honiton and Ilminster Road Bill,—To Sir John Yarde Buller and the South Devon list.

Andover Road Bill. — Reported; Report to lie on the table.

Freethorpe, &c. Inclosure Bill; Protestant Dissenters' Assurance Company Bill. — Severally reported, and to be ingrossed.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Bill. — Reported; Report to lie on the table, and to be printed.

Portishead Pier Bill. — Petition for further time for presenting the Bill reported; Report to lie on the table.

Manchester and Salford Junction Canal Bill. — Read a third time, and passed.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

Church Patronage (Scotland), — By Sir James Graham, Sir R. Peel, Mr. Wallace, Mr. Fox Maule, and other Honourable Members, for alteration of the law, with respect to intrusion, — from Innerwick; Ochiltree; Saint John's; Hope Street Gaelic Chapel, Glasgow; Bathgate; Ardock; Applegarth; Kirkmichael; Elgin; Arboath; Abernethy; Broughty Ferry; Knockando; Bannockburn; Gargunnock; Beith; Campsie; Banton; Lurbert; Alloa; Dunipace; Kilsyth; Bothkennar; Liff; Auchterhouse; Kincardine O'Neil; and Humbie and Keith.

Church Rates, — By Mr. Brocklehurst (two petitions), — from Macclesfield, for abolition, and for release of John Thorogood.

Corn Laws, — By Mr. Wallace, Mr. Greg, Mr. Sanford, Mr. Brotherton, Mr. Elliot, Mr. W. Evans, Mr. M. Philips, Mr. Hume, and Lord J. Russell, for repeal, — from Plymouth; Walsworth; Langfield; Crediton; Leigh (two petitions); Habergham; Briercliffe; Whitefield; Rough-Lee-Booth; Blairgowrie; North Curry; Dunse; West Linton; Dalmellington; Wheatley Lane and Booth; Blackford Bridge; Much Woolton and Little Woolton; Newton of Pitcairns; Worsthorn; Truro; Kilbirnie; Hawick; James Anderson, Cheadle; Plymouth (chairman); Garwald; Cockburnspath; Dirleton; Holytown; Corkenzie; Prestonpans; and Ashford.

By Lord Viscount Cole, Mr. Turner, Mr. F. French, and Mr. R. Paler, against repeal, — from Fermanagh ounty); Tidmarsh; Nottinghamshire gricultural Association (chairman); unstead; Fermanagh (town); and Ta- rham.

Maynooth College, — By Lord Vis- ount Cole, Mr. Broadley, and Sir . B. Vere, against further grant, — om Eardisland; Moretonhampstead; nderby and Whetstone; Kessingland; nd Ingham.

Municipal Corporations (Ireland) Bill, - By Sir R. Peel and Sir R. H. Inglis, gainst, — from Kessingland; St. Kathe- ine, Dublin; Eardisland; and Walter elchamp, Bulmer, and Middleton.

Church of England, — By Lord G. omerset, Mr. Crawford, Lord Vis- ount Sandon, Sir R. H. Inglis, Sir . Peel, and other Honourable Members, or extension, — from Shirley (Derby); alcombe; Farleigh and Woldingham; irk Treton; Weeford; Hulland; White- aven; Epsom; Long Ditton; Cuck- ield; Saint Mary-le-Bow and other arishes, London; Hurstbourne Tarrant; Fairford; Southampton; Shenstone; Co- aton Rawleigh; Vernhams Dean; We- herby; Bierley; Newnham and Maple- urwell; Charlbury; Ardingly; Crawley; Morden; Ifield; Shaugh; Ashtead; Peterborough; Mitcham; Eastmeon; Whitwood and other places; Long Sutton; Banstead; Drayton in Hales; Yeovil; Worth; Llanvapley; Lullington; Witherwick; Aldburgh; Asqhwith; Bridewell precinct, London; Weekley; and Ashley.

Universal Suffrage, — By Mr. Wallace and Mr. Hume, in favour, — from Denny; John Mac Cubbin; workmen in the employ of Messrs. Brodie and Forrester, Broomknoll; William Wallace; John Allan; Robert Malcolm; and Lesmahagow.

Medical Profession, — By Mr. Mark Philips, for reform, and for a uniform system of medical education, — from Wexford; Thomas Smartt; Armagh; and Joseph Taylor.

Grand Jury Laws (Ireland), — By Mr. M. J. O'Connell, — of the high sheriff and grand jury of the county of Kerry, for amendment.

Railways (Ireland), — By Mr. M. J. O'Connell, for enabling the Government to construct railroads in Ireland, — from members of the grand jury of the county of Kerry; and Tuam.

Sale of Beer Act, — By Lord Viscount Sandon, of licensed victuallers of Rochester, Chatham, and Strood, for repeal.

Currency, — By Lord Viscount Sandon, — of Edward Solly, praying for an inquiry into the state of the currency.

Printed Papers, — By Mr. Pemberton, — of members of the Irish bar on the north east circuit, for liberation of the sheriff of Middlesex.

Elective Franchise, &c. (Ireland), — From Taughmacullen, — for extension.

Parochial Funds, — Of the chairman of the board of guardians of the Camelford union, — for placing the management, collection, and disbursement of all parochial funds under the care and control of one administrative, and one set of paid officers.

Union Workhouses. — Of guardians of the Cardigan union, for exempting union workhouses from parochial taxation.

County Constabulary Act, — From Colinton, for repeal.

The above petitions were severally ordered to lie on the table.

American Loyalists, — By Mr. T. Duncombe, — of John Hopton Russell Chichester, the executor of Robert William Powell, an American loyalist, complaining that he is unable to obtain payment of a balance due to the estate of the said Robert William Powell. — To lie on the table, and to be printed.

Supreme Courts (Scotland), — By Mr. Wallace, — from Pollokshaws, for transferring the duties of the Jury Court and Court of Session to the resident sheriffs. — Referred to the Select Committee on the Supreme Courts (Scotland).

Railways, — By Mr. Brocklehurst, for free competition in carrying goods, — from Congleton; and Macclesfield. — Referred to the Select Committee on Railway Communication.

Inland Warehousing Bill, — By Mr. Baines, — from Leeds, in favour, and that the advantage may be extended to that town. — Referred to the Select Committee on Inland Warehousing.

Order (12th March) for referring the petition of the East and West India Dock Company (presented 21st February) to the Select Committee on Inland Warehousing; read, and discharged.

Petition of the London Dock Company (presented 21st February). — Referred to the Select Committee on Inland Warehousing.

STAINES BRIDGE.

Mr. BYNG. — I beg to present a petition from the inhabitants of Staines, praying that, should Vauxhall, Waterloo, and Southwark bridges be thrown open, free, their bridge may also be exempt from toll.

WARWICK GAOL.

Mr. T. DUNCOMBE. — Sir, I have, here, two petitions to present, complaining of the treatment of William Lovett and John Collins, in Warwick gaol, — from Finsbury; and Hayle, in the county of Cornwall. These petitioners state, that they believe Lovett and Collins, who are imprisoned for sedition, are gradually sinking under the treatment to which they are subjected; and that it will, eventually destroy, or so debilitate, them, that they may never be able to recover themselves: and they also state their belief that experiments are being made upon them, to see how long a time it will take to starve two respectable men to death: they conclude by praying the House to institute an inquiry into their case.

RETURNS, PAPERS, &c.

Revising Barristers.— Return presented — of barristers appointed to revise lists of voters; fees received, &c. (Address 17th January).—To lie on the table.

Compensations (Scotland). — Copies presented — of warrants granting compensation to the Right Honourable W. Dundas, Keeper of the Signet for Scotland; and to Colin Galbraith, clerk to the Keeper of the Minute Book of the Court of Session (Scotland) (by Act). — To lie on the table.

Hops. — Account presented — of land in cultivation of hops; hops exported and imported (to complete the Returns presented 7th February) (ordered 17th January). — To lie on the table.

Excise Duty. — Return presented — of Excise duty collected in each district in the last three years (ordered 31st January). — To lie on the table.

Legacy, &c. Duties.— Return presented — of capital on which legacy duty has been paid, and of duties on legacies, &c. (ordered 21st February). — To lie on the table.

Prisons (Scotland). — Copy presented — of First Report of the General Board of Directors of Prisons in Scotland (by command). — To lie on the table.

On presenting this Report, —

Mr. FOX MAULE said: —This Report will not yet be printed; but I have directed that two copies shall be placed in the library, for the use of Honourable Members.

Convicts. — Copies presented — of two Reports of John Henry Capper, Esquire, superintendent of vessels for the confinement of convicts (by Act). — To lie on the table.

Criminal and Civil Prosecutions (Scotland).— Return presented — of criminal and civil proseoutions in Scotland, for the years 1835, 1836, 1837, and 1838, by the Queen's and Lord Treasurer's Remembrancer, Exchequer (Address 11th April 1839). — To lie on the table.

Vaccine Establishment. — Copy presented — of the last Report from the National Vaccine Establishment to Her Majesty's Secretary of State for the Home Department (Address 10th March). — To lie on the table.

Galway Bay Fisheries. — Copy presented — of a memorial submitted to the Lord Lieutenant of Ireland, in December, 1839, respecting the state of the Galway Bay fisheries (ordered 21st February). — To lie on the table.

Navy.— Returns presented — of number of line-of-battle ships, and fourth, fifth, and sixth rates, afloat, &c. in 1793 and 1815 (ordered 18th February). — To lie on the table.

Victualling Stores (Navy). — Return presented — of the prices of the principal victualling stores for the navy in 1840 (ordered 5th March). — To lie on the table.

Post Office Steam Packets. — Return presented — of the hours at which the Government steam packets have left the river Mersey, and the time occupied in the passages between Liverpool and Kingstown, &c. (ordered 4th March). — To lie on the table.

Postage.— Returns presented — showing the total and weekly amount of postage collected in London, Dublin, and Edinburgh during the establishment of the fourpenny rate; similar Return during the penny rate, and other Returns upon the same subject (ordered 28th January). — To lie on the table.

Education. — Return presented — of applications for portions of the sum granted for the promotion of public education in 1839 (Address 3d February). — To lie on the table.

Poor Law.— Copy presented — of Report of the Commissioners to the Secretary of State, on the continuance of the Commission, and further alterations in the laws relative to the management of the poor (by command). — To lie on the table.

On presenting this Report,

Mr. FOX MAULE said: — I wish to call the attention of the House to the fact that this Report differs from the former Reports of the Commissioners, inasmuch as it contains their remarks as to the effect of the measure of last year for continuing the Commission.

PUBLIC PETITIONS COMMITTEE.

Fourteenth Report brought up, and read. — To lie on the table, and to be printed.

ANSWER TO ADDRESS.

(March 10th), Reported.

OPIUM TRADE.

Mr. CRAWFORD. — I will avail myself of the present opportunity to give notice, that, on Monday next, I intend to present a petition from certain individuals interested in the opium which has been delivered up by the superintendent at Canton for the use of Her Majesty's Government.

[Laughter.]

LORD VISCOUNT SANDON. — I wish, also, to give notice, that, on Thursday, the 26th of March, I will call the attention of the House to the circumstances under which opium grown in India is imported into China.

DR. BOWRING'S REPORT.

Mr. WODEHOUSE. — Understanding that my former notice of a motion for the production of Dr. Bowring's Report upon the subject of the Russian commercial league is irregular in point of form, I beg now to give notice, that, on Tuesday next, I propose to move for an Address to Her Majesty, praying that she will be pleased to direct the said Report to be forthwith laid before the House.

CONSTABULARY.

The EARL of LINCOLN. — I wish to ask when the Constabulary Bill, which the Under Secretary for the Home Department has obtained leave to bring in, will be produced?

Mr. FOX MAULE. — The Bill to which the Noble Lord refers has been delayed, in consequence of the various communications and suggestions which it was desired to embody in the Bill; but to prevent further delay from the same cause, I will bring forward the Bill at once.

Mr. GOULBURN. — I observe that despatches have been received from New South Wales recently; perhaps, therefore, the Noble Lord the Secretary for the Colonies will allow me to repeat a question which I asked the other night, respecting the proceedings of the Legislative Council of that colony. The question is, whether the proposition that has been made by the Governor in council, that schools should be established for Roman Catholics, in which the tenets of the Roman Catholic church were to be taught to the scholars, and that other schools should be provided for Members of the Church of England, in which the doctrines of the Church of England were not to be taught, has been made under the instructions of Her Majesty's Government?

LORD J. RUSSELL. — I have not yet received any despatch on that subject, when I do, I will take care that the Right Honourable Gentleman shall be made acquainted with it.

WAR WITH CHINA.

SIR J. GRAHAM. — I wish to repeat another question, which I put to the Noble Lord on a former evening. On that occasion, I asked the Noble Lord whether Her Majesty's Government had received any official information of an action which had taken place in the waters of Canton, between two of Her

Majesty's frigates and some war vessels of China? The Noble Lord, in reply, stated, that he had received no official information upon the subject, but that a private letter, which had been addressed by Captain Smith to the late Admiral Maitland, giving an account of such an action, had been received. I wish, now, to ask the Noble Lord, whether he has yet received any official information on the subject, and whether any satisfactory statement can be made as to the amount of loss that was sustained on either side in the action?

LORD J. RUSSELL. — No official information has yet been received by the Government on the subject. The Right Honourable Gentleman asked me, the other day, whether the details, as stated in the private letter to which allusion has been made, could be laid before the House. I have since looked at that letter, and I do not think it is a communication of that nature which could properly be laid before the House.

SIR J. GRAHAM. — But the purport of it?

LORD J. RUSSELL. — The only material statement in the letter is, that the order to cease firing was not given by the commissioner, but by the British officer commanding the force.

SIR J. GRAHAM. — Was there no communication by the last mail?

LORD J. RUSSELL. — None.

SIR J. GRAHAM. — Will the Noble Lord the Secretary for Foreign Affairs allow me to ask him whether no intelligence has been received at the Foreign Office from Captain Elliot, up to a later period than the date of the action?

VISCOUNT PALMERSTON. — No accounts whatever have been received of a later date than those which have been laid on the table of the House.

CULTIVATION OF TEA IN INDIA.

Mr. EWART. — I wish to ask the Right Honourable the President of the Board of Control whether he is able to give the House any further information regarding the growth of tea in India? and also, whether he has any communication make respecting the letting of free ls in that country?

SIR J. HOBHOUSE. — I shall be happy to lay before the House all the information I am in possession of upon both points.

ADMISSION OF TEA.

Mr. HERRIES. — Will the Right Honourable Gentleman opposite, the President of the Board, be good enough to state whether there is any objection to the production of the communication to the Board of Customs for the admission of tea, water-borne, at Canton, by American craft, and afterwards shipped in British vessels? The reason why I ask whether there will be any objection to the production of the papers, is, that in one despatch of Captain Elliot, he particularly recommends to the Government at home that such tea should not be admitted.

Mr. LABOUCHERE. — I think it would be most inexpedient for me to depart from the almost invariable practice of not making public those confidential communications which take place between the Treasury or the Board of Trade and the Board of Customs. I may, however, state, with regard to the point to which the Right Honourable Gentleman refers, that I have no hesitation in saying, that Her Majesty's Government have not thought it expedient to act upon the suggestion of Captain Elliot. They have not thought it expedient to prevent the admission of tea brought into this country in British vessels, where the voyage has been *bona fide* performed from the seas of China, in British vessels; and, in so acting, they believe they are adhering to the letter and the spirit of the Navigation Act. We have not thought it expedient to act on the suggestion of Captain Elliot, or that the trade between China and Great Britain should be stopped, even under the existing circumstances.

Mr. HERRIES. — The Right Honourable Gentleman appears to have misunderstood me. I did not ask for any confidential communications, but for an order which I am informed has been made to the Board of Customs, to admit tea brought to this country in British bottoms, after having been transferred from American ships. That, surely, cannot be considered a confidential communication. But it is an order which everybody should be made acquainted with; and certainly it ought not to be refused to the House of Commons. I have no intention to offer any opinion with regard to the propriety of making such an order.

MR. LABOUCHERE. — I will make inquiries; and, if any such order has been issued, I apprehend there will be no objection to its production. The question being one of great importance, it has been thought necessary to enter into communication with the Board of Customs upon the whole matter. I thought the Right Honourable Gentleman's question referred to those communications, which he must be aware are of a confidential character.

PRIVILEGES.

LORD J. RUSSELL. — As I presume the House will be desirous to go at once into the Committee on the Printed Papers Bill, I do not propose to move the consideration of the privilege question that stands for this evening.

PRINTED PAPERS BILL.

On the motion of LORD J. RUSSELL, the Order of the Day for Committee resumed.

Upon the question being put, that " Mr. Speaker do now leave the chair," —

SIR E. SUGDEN said: — I think it will probably facilitate the passing of the Bill through Committee if I state, at the outset, as briefly as I can, the object of the Bill, and the nature of the amendment I mean to propose. After the preamble, section 1. provides, without asserting the right of the House to interfere against a court of law, that persons civilly or criminally proceeded against for any publication made by the authority of this House are to obtain a certificate from the Speaker of the House, and the action is to be put an end to. The second section applies to a totally different matter, — namely, the actions that have been brought by Mr. Howard against the messengers of this House for an alleged trespass, in the execution of the Speaker's warrant. The two sections stand upon totally distinct grounds; and then there is a concluding proviso, that nothing contained in the Act shall affect the privileges of this House. It has been erroneously supposed, out of the House, that I have objected to the *ex post facto* nature of the Bill; but I have done no such thing. What I propose to do is, in Committee, to introduce certain words into the first clause, giving to persons not the original publishers of the publications of the House the same remedy, with respect to what has already been published, as the Bill proposes to give to what may be published in future by the House. I further propose to extend the protection of the measure to Members of this House. As the law at present stands, there is no protection for a Member who, receiving printed papers, forwarded by order of the House, publishes those papers by giving copies of them to other parties. Now, when the Bill goes into Committee, I purpose proposing such a provision as shall be a sufficient protection to Members of this House, and not be unjust towards the rest of the community. That will make the first clause perfect, as far as it goes, in that respect. In another part of the Bill, I intend to propose the insertion of the word " papers; " the language already contained in the Bill not being, in my opinion, sufficiently comprehensive; for the words " Votes, Reports, and proceedings," I apprehend are not sufficient to cover every species of paper which the House may have occasion to publish. There is another point to which I wish to direct the attention of Honourable Members, — namely, that the privileges of this House remain untouched by the present measure. The powers of the House will, after this Bill shall have passed, be as great as they have ever been. Suppose, then, any man in society, conceiving himself aggrieved, shall think proper to bring an action against the printer of this House; suppose that, by the powers granted under the present Bill, that action is stopped, there still will be nothing to prevent a House of Commons sending the person who brings the action to prison; and, as its privileges remain untouched, it may, for a long time, keep in confinement the offending party. Any man who so brings an action may, for breach of privilege, be sent to Newgate, or to the Tower, or committed to the custody of the Sergeant-at-Arms, according to the pleasure of the House. Paying, then, due regard to the liberty of the subject, I must be permitted to say that I think a measure of this kind ought to contain a clause to restrain the House from such an exercise of its authority. I propose to meet the injustice which the Bill, in its present form, will occasion, by a proviso, declaring that if the plaintiff in an action, or his attorney, be committed by either House of Parliament, and that the action brought has been stopped under and by authority of the present Bill, such parties shall forthwith be discharged by the House which has committed them. I propose to follow this up, in accordance with the principle of the last section in the Bill, which declares that nothing in the Act shall affect the privileges of the House, by declaring that nothing shall extend the privileges of the House. I need hardly add, that I make this proposition with the fullest wish to render the measure as efficient as possible, and, at the same time, ancillary to the power of the House. Another proposition which I intend to submit to the Committee is, to omit the second clause. I do not object to the first clause; because it is necessary to stop vexatious actions; but I do to the second clause; because no one can contend *à priori* that the action is vexatious. That clause depends on this state of things. A warrant is issued, and committed to the servants of the House to be executed. However the power of the House may be undenied and undeniable in the issuing of the warrant, yet it has been clearly laid down; and, indeed, it is of the essence of justice, as well as being law, that if the officer of the House commits an excess in the execution of the warrant, the person against whom it is directed may recover, not for the due execution of the warrant, but for the excess committed in the supposed execution of it. If the warrant is unduly executed, your officer must suffer, and has no right to protection from this House. Indeed, I think the Noble Lord, himself, who did not originally introduce this clause into the Bill, will, upon consideration, be inclined to strike it out.

Mr. PEMBERTON. — I think, Sir, before the Bill goes into Committee, we should have some further explanation of its object. I am willing to make a sacrifice of my individual opinion, if it will lead to any satisfactory result; but I think we ought to be told to what extent the Bill is intended to go, and whom and what it is intended to protect? I presume it is intended to protect all persons against whom actions are brought for libellous matter contained in publications of the House of Commons, and that it is not intended to go further. But, as it stands at present, no action can be brought on account of the publication of any Reports, Votes, or proceedings of the House of Commons; and the Bill goes, in fact, to the extent of preventing a man from bringing an action for the wages of his labour in printing those publications. I wish, also, to know, whether the Bill is intended to protect violations of copyright? The House once published, in an Appendix, a work, of which the copyright was valuable, a pamphlet of Mr. Croker's, and complaint was made of the violation of the copyright. The consequence was, that Mr. Hansard paid 100*l*., as compensation for that violation, which, of course, was repaid to him by the Treasury. I ask, then, whether the Bill is intended to prevent such violation of copyright; and if so, whether the protection is to be general. Or do you mean that any publisher, who buys, upon an allowance of 25 per cent., which is made in order to encourage the sale, shall be exempted from that protection, and liable to the consequences of publication? Or, if a person reprint and republish any of your publications without your authority, am I to understand that he will also be exempted from protection? Do you mean that extracts from your privileged publications, — extracts, too, which may be garbled for the purpose of injuring particular individuals, — do you mean that those extracts should be privileged, or not? Until you answer me these questions, I know not how you expect to come to a settlement of the general question in Committee. Recollect, that when once papers are issued by order of the House, you can exercise no control over the booksellers who may purchase from your printer? I say, then, that a Bill so loose ought not to be put upon the table of the House; — a Bill the extent of which no one can positively determine. I should be glad to hear from my Honourable and Learned Friend opposite (the Solicitor General), who takes such an anxious interest in the success of the measure, although his name is no longer on the back of it, how far it is really intended to go. I confess I wish to see the provisions of the Bill more clearly and exactly set forth than they are at present. I am quite ready to stop all actions, nay to do more than this Bill proposes with respect to all actions in future. If a proper mode for stopping them be pointed out, I shall have no objection to make the party bringing the action liable to the costs of such action.

LORD JOHN RUSSELL. — On moving for leave to bring in the Bill, I stated generally, what the object of it was; and as to the precise words which it may be advisable to introduce for carrying out that object, I do not think they ought to be discussed at this stage of the measure. It is certainly the intention of the Bill to give protection to the publishers acting under the authority of the House. Upon going over the Bill, a doubt arose in my mind as to whether persons who re-sold should be likewise protected. This, I think, is a very important question, and very proper for the consideration of the

Committee. Respecting the words of the Bill, the Honourable and Learned Gentleman opposite is, I readily admit, a much better authority than I can be; at the same time, I doubt, very much, if they will bear some of the interpretations which the Honourable and Learned Gentleman has put upon them. I have received suggestions upon the propriety of various alterations in the Bill, which only show me how extremely difficult it is to draw clauses, in such a Bill, the words of which will not be open to very great objections. But I will not, as I have said, enter, at present, into the questions suggested by the Right Honourable Member for Ripon, as they will be much better discussed in Committee.

The House then went into committee.

SIR ROBERT INGLIS. — Sir, I cannot consent to adopt the first clause of this Bill, unaltered. The Noble Lord stated the object of the clause to be, to prevent vexatious actions; but I should like to know upon what authority is it to be decided that the actions, already begun, are vexatious? In the case of Stockdale, we have the authority of more than one jury, that the action was not a vexatious action. It is too much to say that, after a verdict actually obtained, all pending actions for the like cause are groundless and vexatious. I agree with my Right Honourable Friend (Sir E. Sugden) that, by this clause, protection should be extended not merely to the printers of the House, but to persons who may reprint any of our publications. I wish to see protection afforded in such a case as that, for instance, in which an action was brought against the *Times* newspaper, for publishing a Report made to the other House of Parliament. My object in rising at this moment, however, is, to suggest to the Committee the omission of the words in the first clause, that give to the Bill a retrospective effect.

Mr. BERNAL. — The Honourable Baronet the Member for the University of Oxford is not quite in order, as the clause has not been read.

First clause read. ("Proceedings, criminal or civil, against persons for publication of papers printed by order of Parliament, to be stayed, upon delivery of a certificate and affidavit to the effect that such publication is by order of either House of Parliament.")

SIR EDWARD SUGDEN. — I have an amendment to propose, which comes into this clause before that of my Honourable Friend. The object of it I have already explained to the House. After the word "defendants," in the twentieth line, I wish, by way of amendment, to add words which will enable any defendants, whether actual publishers under the authority of either House of Parliament or not, and whether Members of this House or not, to plead the defence given by this Act.

The SOLICITOR GENERAL. — The alteration proposed by the Right Honourable and Learned Gentleman I must object to; as it goes very much beyond the object of the Bill, as stated by the Noble Lord on moving for leave to bring it in. The Bill has been framed to meet a particular evil, — the evil of inconvenience and expense which the officers of the House may be put to by these actions being brought against them during the recess; and to answer that purpose the machinery of the Bill, in its present state, is quite sufficient. With regard to the officers of the House, there can be no malicious object in their publications; but if the House goes beyond that, it will be undertaking to protect persons for publications under circumstances of which it is quite ignorant. I therefore submit to my Right Honourable Friend that it is not expedient to make such an alteration in this Bill.

SIR EDWARD SUGDEN. — I am aware that if my amendment were agreed to, the Bill would require other machinery; I shall not, therefore, press it. The object I have in view is, to assert the principle; and, without asking the House to divide, I shall merely require the question to be put from the Chair. I hope, however, that the Noble Lord will take into consideration the propriety of framing a separate Bill to effect the object of my amendment, containing machinery better adapted to effect it than the machinery of this Bill, which, I candidly admit, is not framed for that purpose.

Amendment put, and negatived.

SIR ROBERT INGLIS. — The object of my amendment, I have already said, is, to take away the retrospective effect of this clause. I therefore move that the words "heretofore, now, or," in page 1. line 20., be omitted.

Mr. HUME. — No objection was made by the Honourable Baronet to the Horse-racing Bill, although it, like this Bill, has a retrospective effect.

SIR ROBERT INGLIS.—Because the actions which that Bill provides against are not actions in which the party has damage done to his character. That was the reason I gave a silent assent to that Bill.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 179, Noes 9; Majority 170.

AYES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Ashley, Lord
Baring, Rt. Hn. F. T.
Baring, Hon. W. B.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Bowes, J.
Bradshaw, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Cantilupe, Lord Visct.
Chetwynd, Major
Clay, W.
Clerk, Sir G.
Clive, E. B.
Cochrane, Sir T. J.
Collier, J.
Colquhoun, J. C.
Coote, Sir C. H.
Corbally, M. E.
Courtenay, P.
Cowper, Hon. W. F.
Craig, W. G.
Curry, Mr. Serjeant
Dalrymple, Sir A.
Denison, W. J.
Dennistoun, J.
Divett, E.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
East, J. B.
Easthope, J.
Egerton, W. T.
Evans, W.
Ewart, W.
Fitzroy, Hon. H.
Follett, Sir W.
Forester, Hon. G.
French, F.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Greg, R. H.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimston, Lord Visct.
Halford, H.
Hamilton, Lord C.
Hastie, A.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, R.
Holmes, Hon. W. A'Court
Hope, Hon. C.
Hope, G. W.
Howard, Hon. E. G. G.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
Humphery, J.
Hurt, F.
Hutchins, E. J.
Hutton, R.
Irving, J.
James, W.
Lambton, H.
Langdale, Hon. C.
Lincoln, Earl of
Lister, E. C.
Lushington, Rt. Hn. S.
Mackinnon, W. A.
M'Taggart, J.
Mahon, Lord Visct.
Martin, J.
Marton, G.
Maule, Hon. Fox
Milnes, R. M.
Morpeth, Lord Visct.
Morris, D.
Neeld, John
Norreys, Lord
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Packe, C. W.
Paget, F.
Palmer, R.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Pattison, J.
Pechell, Captain
Peel, J.
Pemberton, T.
Philips, M.
Pigot, R.
Planta, Rt. Hon. J.
Polhill, F.
Protheroe, E.
Pusey, P.
Rae, Rt. Hon. Sir W.
Richards, R.
Rickford, W.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Seymour, Lord
Sharpe, General
Shaw, Rt. Hon. F.
Sheil, Rt. Hon. R. L.
Slaney, R. A.
Somerset, Lord G.
Stanley, Hon. E. J.
Stanley, Lord
Stanley, Hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stock, Dr.
Strickland, Sir G.
Style, Sir C.
Sugden, Rt. Hon. Sir E.
Sutton, Hn. J. H. T. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Tufnell, H.
Turner, E.
Turner, W.
Vernon, G. H.
Vigors, N. A.
Villiers, Lord Visct
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Warburton, H.
White, A.
Whitmore, T. E.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. C
Winnington, H. J.
Wood, Colonel
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, Sir W.

Tellers.

Parker, J. (Sheff.)
Rich, H.

NOES.

Attwood, M.
Broadley, H.
Darby, G.
Feilden, W.
Fector, J. M.
Filmer, Sir E.
Jones, J.
Neeld, Joseph
Williams, R.

Tellers.

Inglis, Sir R. H.
Law, Hon. C. E.

SIR WILLIAM FOLLETT.—As the clause now stands, it is doubtful who are the persons entitled to protection under it; for they are described merely as defendants who are sued or prosecuted on account or in respect of the publication of any Reports, Votes, or Proceedings by or under the authority of either House of Parliament. If it be intended to confine the protection to those who have the authority of the House to publish its proceedings, it would be better that the meaning should be expressly so declared.

LORD STANLEY.—The present wording of the clause certainly appears to protect every person publishing or selling a work authorised by the House to be published.

The SOLICITOR GENERAL.—The

Sir, in order to remove that ambiguity, I shall move that, after the word "publication," the words "by such defendant or defendants, or their servants," be added.

Agreed to.

Mr. GISBORNE. — I stated, on a former occasion, that I should not object to this Bill, if it came down from the House of Lords. I now, Sir, must object to it as interfering with the privileges of that House. The words of the clause are, "by or under the authority of either House of Parliament." I think the House of Lords ought to be allowed to protect itself, and that this Bill should be confined exclusively to the privileges of this House. The Right Honourable Gentleman the Member for Tamworth said, on the occasion I have alluded to, that the Bill ought not to originate with the Lords, lest it should seem to be an interference, by them, with the privileges of the Commons. I should like to know, then, how that Right Honourable Gentleman can now support a set of words by which this House will be guilty of the very same interference with the privileges of the Lords? Why do to the Lords what you will not brook that the Lords should do to you? The Lords require no such aid as this Bill; for they have not been foiled in attempts to vindicate their privileges or proceedings. I therefore move that, instead of the words "either House of Parliament," there be substituted the words "the House of Commons."

SIR ROBERT PEEL. — I certainly did state that this Bill ought not to originate in the House of Lords; because I thought it would be a very unusual course, on the part of that House, to interfere, without any previous communication on the subject from the House of Commons; and that that could scarcely take place, in this instance, owing to the difficulty of asking for a free conference. On the other hand, I think it is quite right to include the House of Lords in this Bill; because the judgment of the Queen's Bench has shaken their privileges as much as ours. Though the House of Lords do not sell their papers, they publish them in a way which, in the eye of the law, as laid down by the Queen's Bench, subjects their servants to actions, as much as if they were sold. In Polack's case, for instance, the subject of the action arose in a Committee of the House of Lords. There is one ground which renders the provisions of the Bill even more necessary in the case of the House of Lords than in that of the House of Commons; for we have in our favour the argument, that communications between us and our constituents are privileged and necessary.

Mr. VERNON HARCOURT. — It seems to me doubtful whether the Bill, as at present framed, will protect the communications of Honourable Members with their constituents. I should, therefore, be glad to see words introduced for the purpose of giving efficient protection to such communications.

Mr. DARBY. — It appears to me, that giving away is as much publication as selling.

SIR ROBERT PEEL. — It is quite evident that Members of Parliament ought to have the privilege of giving copies of printed papers to their constituents; as they may often feel it necessary to justify themselves before their constituency for the line of conduct they may think fit to pursue in Parliament. I have the strongest conviction that this is a privileged publication, and indispensably necessary to the discharge of our duties as a legislative assembly; that is, provided the publication be a fair one, and not a selection of any particular portion, made with any invidious purpose. However, the decision has been, not that a Member may have such a communication as that with his constituents, but that he may forward the papers, "provided they contain nothing criminatory of any individual," which certainly would entirely change the effect of that privilege.

The paragraph was agreed to.

Upon the next paragraph being put, —

SIR EDWARD SUGDEN said: — I move that the word "papers" be inserted after the word "Reports;" for, in the technical sense of the word, as used in the House, "Reports" do not include papers; but "papers" include "Reports."

Amendment agreed to.

LORD STANLEY. — I move that this be the form of the certificate: "That the Report, Papers, Votes, or Proceedings, as the case may be, in respect whereof the suit or prosecution had been instituted, had been published by the defendants in the suit or prosecution, under the authority of the Houses of Lords or Commons, as the case may be."

Motion agreed to.

LORD JOHN RUSSELL. — I move "that there be an affidavit verifying the said certificate, and that a notice of these be served on the plaintiff, or at his residence; from and after which all proceedings, civil or criminal, shall be stayed."

SIR F. POLLOCK. — I do not approve of the mode in which the action is to be stayed. The usual mode would be for the affidavit to be made before the judge, that the publication was under the authority of the House, and the judge could then stay the action. Suppose that the Messrs. Hansard published some matter for which an action were taken: — who would be the fit person to decide whether it was a publication under this authority of the House? You make the Speaker of the House the judge of that, under this Bill. It would be, in my opinion, far better to allow the defendant to make the application by affidavit, and, with the production of the certificate in the ordinary manner, before the court, to have the action stayed. I cannot think that allowing the Speaker alone to decide is the correct mode of doing it. In any case, this will not evade the authority of the court; for the proceedings can be effectually stayed only by the authority of the court.

The SOLICITOR GENERAL. — The application to the court has been omitted, after deliberate consideration; and there are numerous Acts of Parliament which give power to stay proceedings without an application to the court to do it. For my part, I think it is of importance that the court should not be called on to act; for it would, doubtless, give rise to cases where a cause of conflict might occur between the court and this House. My Honourable and Learned Friend has supposed a case where a publication might not be strictly by the order of the House; but I must say, that it would be the duty of the House — and nothing would be more easy than — to ascertain if such publication was really of that description which came within the terms? We are now seeking for a means of settling the question by a summary power, and why should we not make that power depend on ourselves? I think any interference on the part of the court would injure the effect of the Bill. In Acts of Indemnity, proceedings are stayed without the interference of the court, and what might be just claims are withheld, through a consideration for the public good. I do not think that we could do anything more offensive to the courts, than to require their interference to stop proceedings; and I hope the House will be content to rest on its own authority in this matter.

SIR F. POLLOCK. — I merely suggested a difficulty which I thought might be likely to arise; but if we pass this Bill, of course its provisions will be carried into effect by the court. I have expressed my opinion with respect to making the Speaker judge in the matter; but if the House should think fit to adopt this provision, I shall make no further observation.

The clause was then agreed to, with the amendments.

Clause 2. was then read, as follows: — "And whereas, during the present Session of Parliament, certain warrants have been granted by the Speaker of the House of Commons, under the authority of said House, in relation to the matter aforesaid, and a certain action, or actions, have been or may be brought for certain alleged trespasses in the execution of the said warrants, and it is expedient that such action or actions should be put an end to, and finally determined, discharged, and made void by virtue of this Act; be it enacted, that all and every action hereafter brought or prosecuted by any person or persons for or in respect of any alleged trespass or trespasses, under or in execution of any warrant or warrants granted by the Speaker of the House of Commons, by the authority of the said House, since the commencement of the present Session of Parliament, shall be put an end to and finally determined, discharged, and made void by virtue of this Act."

SIR EDWARD SUGDEN. — I am opposed to the admission of this clause. I agreed to *ex post facto* legislation, which would take away the right of Stockdale to proceed with actions against our printer, because I thought the actions which he took were founded upon frivolous grounds. I cannot, however, agree to the same principle as regards this clause. I think the warrant of the Speaker of this House a perfectly valid warrant; but, though the warrant be valid, the execution of it might be rendered illegal by the conduct of our officer, as in the case of "Jay v. Popham." Suppose, then, that our officer used unnecessary violence, will any one say that the party against whom it should be used ought not to have a right to proceed for compensation? If an officer misconduct himself in the execution of our legal warrant, the party who suffered injury by that misconduct ought to have a right to recover compensation for such injury. In the case of "Jay *v.* Popham," the officer pleaded, in bar, that he had acted under the authority of the Convention Parliament; but the judges overruled the plea, as he had conducted himself with unnecessary violence; and though the House of Commons refused to admit their jurisdiction, yet every lawyer of eminence, since, has admitted that the judges were right and the Parliament wrong. If the officer had misconducted himself, it was right that he should pay damages to the party who suffered from his misconduct. I cannot, therefore, give my assent to the proposition that this clause should stand part of the Bill: it would damage the Bill in the eyes of the country; and therefore I will divide the Committee on the question.

LORD JOHN RUSSELL.—The action to which this clause would apply is an action closely connected with and arising out of the proceedings of Stockdale against the servants of this House; and I must say that I think it is a matter of expediency to put an end to all those actions, now that we have commenced. If we leave this clause out of the Bill, it will be easy to institute frivolous actions against our officer. If any grievance have been sustained by Howard, let him state it in a petition to the House; but the fact is, that, so far as Stockdale and that set of people are concerned, there is no grievance; and the proceedings are no more than a scheme to get money and notoriety. There was no real damage of character sustained by those people; but they are anxious to turn to account some doctrines delivered in a court of law, in order to embarrass the House of Commons.

SIR ROBERT PEEL. — I have very great doubts as to whether this clause ought to be retained, or not; and I shall be very much guided in my opinion by the view which the House shall take, and by he observations which may be made upon t. There is, doubtless, a great advantage o be gained by putting an end to all the roceedings; and I must say that no inustice can be inflicted by stopping the ctions in this matter. I see the greatest ossible advantage in terminating, during he present Session, all the proceedings n the case of "Stockdale *v.* Hansard;" ut I have strong doubts as to whether we should not prejudice the privileges of he House by the enactment of this clause. The first clause provides a permanent protection against actions similar to those of Stockdale; whereas this clause, giving protection to the Sergeant-at-Arms, is not perpetual,—it is only a special clause to protect the Sergeant-at-Arms against actions during the present Session. If we pass this clause, what guarantee for protection shall the Sergeant-at-Arms have in future Sessions of Parliament? Suppose the case of a witness refusing to attend; the same description of action might arise, in any future year, out of the execution of the Speaker's warrant. I fear that this special protection for a limited period would injure our privileges; and, at all events, I should like to have sufficient time afforded us to give the subject more mature consideration.

SIR E. SUGDEN.—I have no objection that the consideration of the clause should be postponed; and I shall withdraw my motion for its omission for the present.

The SOLICITOR GENERAL.—The introduction of this Bill is not a matter of secrecy. Mr. Howard must be well aware that it is before the House; and if he have any grievance to complain of, it is competent for him to lay it before the Parliament. It is not, by any means, an unfrequent occurrence for this House to stop actions for acts done in obedience to the orders of this House. The Court of Chancery would also estop an action, in case its officer acted in obedience to its authority, and would allow of that officer's conduct to be judged only by itself. In the case of illegal misconduct of a revenue officer, in the discharge of his duty, the Court of Exchequer would direct the action to be brought before it, as it would allow no other tribunal to judge of the conduct of its officer; and why shall not this House possess a similar authority? If the Bill pass without this clause, you will have done nothing. I hope a long period will elapse before such another conflict will be witnessed; but if the House do not show a determination to stop such proceedings, it will be hard to predict what consequences may arise from that want of determination. I have the concurrence of Mr. Howard in this matter; for he commenced those actions, anticipating that the House would not plead; and if we allow our sense of public duty to be less than our feelings of humanity, we shall be obliged to submit to another tribunal. Let us refuse to act with determination, and we place ourselves at the mercy of the House of Lords and the courts of justice. Our legislation will, in my opinion, be useless, if we omit this clause. It is not unusual for courts of justice to estop actions against their officers; and I hope the Committee will agree to this clause, without which our legislation will be idle.

SIR CHARLES GREY. — I feel that it is imperatively necessary to check completely all the vexatious proceedings connected with this question, by a comprehensive clause. I beg to suggest to the Noble Lord whether it would not be better to say, at once, that, when any of our officers are sued for acting under the warrant of the Speaker, they shall be enabled, for their own protection, to file a certificate and an affidavit, if it be thought necessary, to the effect that the alleged transgressions had only been committed in execution of that warrant. Then, I certainly agree that any alleged excess of authority would much more properly be inquired into before this House than before a court of law; and that, I think, will answer the objection of the Right Honourable Baronet the Member for Tamworth.

SIR E. SUGDEN. — I wish to remove any impression which the Honourable and Learned Solicitor General may have made by the parallel which he has attempted to draw between the proceedings of the Court of Chancery and of this House. It is very true, that the Court of Chancery does not permit persons to bring actions against its officers for anything which they may do in executing the orders of the court; but it is equally true, that if the officers misconduct themselves, the court interferes, and refers it to the master to grant compensation for the injury which any party may appear to him to have sustained. This House, however, never had any such jurisdiction; and I hope I shall never live to see the day when this House shall take upon itself to assess damages in such a case. The House has no money properly applicable to such a purpose: it possesses no officers, no tribunal fit to discharge such a duty. Then, again, if the principle upon which we are going be right, we are bound to make it perpetual. These difficulties will not end with this Session; for every Session will afford fresh ones: but it seems only to be desired, on the part of the advisers of the Crown, to have some indemnity for the present, in case of being obliged to plead in a court of law. In these questions of compensation, it is impossible for the House to ascertain whether any and what damages any individual may have sustained. What is the use of asking a man whom we have already committed to Newgate to come forward and tell us what his complaint against us is? It is most desirable that, as far as may be possible, our privileges should be considered as a part of the law of the land; and, without printing those privileges at all, any question as to the excess of authority on the part of our officers might be settled by a court of law. I am willing, however, to allow the consideration of this clause to be deferred till a future stage.

LORD JOHN RUSSELL. — I am glad that the Right Honourable Gentleman has consented to postpone the omission of this clause, and to reserve its consideration; and it is, therefore, sufficient for me to say that I am the more satisfied with that course, because my Honourable and Learned Friend the Attorney General is absent from the House, being employed by the Government on the circuit, and he will, in all probability, be present upon the third reading. The Learned Solicitor General, it is well known, has a strong opinion that this clause ought to form part of the Bill; and I shall be glad to hear the reasons upon which my Learned Friend would contend that it ought to be maintained.

Clause agreed to.

Clause 3. ("The Act not to affect the privileges of Parliament") was also agreed to.

SIR E. SUGDEN. — I now rise, Sir, to propose a clause which I hope will be favourably received by the Committee. I think it extremely necessary that the power which we now propose to assume should be accompanied with some guards and limitations; because we must be aware that, by this Bill, the House will have a power which no other House of Commons has ever possessed. Whatever may have been the extent of our privileges, this Bill confers upon us one that is entirely new, when it enables us, by the certificate of the Speaker, to stop at once any action brought against any parties concerned, by its order, in the publication of the papers of this House. This is a very great power, and one which renders it highly necessary to guard against any careless introduction into our Reports of matters calculated to be injurious to individual character. Now, it appears to me, also, that we ought to guard that power by the introduction of a clause which shall prevent us from having in custody the person who brings the action, and at the same exercising the power of putting an end to the action; because I apprehend the only use of committing persons is to get rid of the action. If it be thought desirable to keep the prison cells of this House full, that is one thing; but if we think it desirable not to excite the public mind, as it has been excited by the recent committals, the introduction of this clause is calculated to advance that object. The clause, Sir, which I wish to bring up, provides "that, where any civil or criminal process shall be superseded by this Act, and any person or persons shall have been committed by either House of Parliament for bringing such process, or causing the same to be brought, he or they shall be discharged out of custody by the House that committed him or them, and no person shall hereafter be committed for bringing any such action; provided always, that nothing contained in the above cause shall be held, directly or indirectly, to increase any of the privileges of Parliament whatsoever."

Question put, "That the clause be brought up."

LORD JOHN RUSSELL. — I object, Sir, to the bringing up of this clause. I believe that when there is any objection to the principle of a clause, as being totally irreconcilable with the principle of the Bill to which it refers, the proper course is to object to its being brought up. This clause seems to me to be a direct limitation of the privileges of this House; and besides that, it is an interference with particular acts of the House upon questions of privilege. I think, therefore, that neither this nor the other House of Parliament could properly entertain this clause. The Committee has already agreed to the proposition that the privileges of this House shall not be affected by the Bill; but the Honourable Gentleman now proposes to bring up a clause which directly interferes with them, and to which I decidedly shall object.

SIR E. SUGDEN.—I think it scarcely courteous in the Noble Lord to make a formal objection to the clause being brought up, and cannot help saying that such a course savours a little of special pleading. The clause, if the Noble Lord pleases, may be brought up and negatived, as I am anxious that it should be placed on the Journals of the House. But, if not, I shall take another opportunity of moving it, when I shall certainly press it to a division.

LORD JOHN RUSSELL. — I object to the clause being now brought up; and the Right Honourable and Learned Gentleman may take what course he pleases upon the subject.

Question, "That the clause be brought up," put, and negatived.

Mr. JOHN JONES.—I have also, Sir, a clause to propose. This House, it is to be remembered, has no power of taking evidence upon oath. Evidence, here, is all mere assertion; and, in consequence of this, the same person has been known to give very different testimony before this House and its Committees, from that which he has given before the House of Lords; and, when called upon to explain the discrepancy, has said that it was because he was on his oath in one place, and not in the other. There are cases, too, in which Members of this House are called upon to give evidence, at great length, before Committees. That evidence is not unfrequently given back to them to supervise; and it is almost always returned in a very different state from that in which it appeared before. The object of my clause is to render false evidence given before this House liable to the same punishment as if it were given on oath. I therefore move, Sir, the following clause: "That any person or persons who shall be proved to have given false evidence before any Committee of the House of Commons shall be liable to the pains and penalties of perjury, though such evidence be not given on oath."

The CHAIRMAN. — I think that this clause does not come within the scope of the title of the Bill, which is "a Bill for the summary protection of persons employed in printing papers authorised by this House."

Mr. JONES. — With great submission, I beg to differ from the Honourable Chairman. I think any clause admissible which may give to our publications a more serious character.

The CHAIRMAN. — If that is the general feeling of the Committee, I shall not oppose it; but it does not concur with my own impression, as to the nature of this Bill.

Mr. JONES. — I am not prepared to say whether the clause is strictly conformable to the rules of the House, or not; but I hope the Committee will, at all events, permit me to proceed with my motion; because, if it should be, ultimately, its opinion that the clause could not be inserted in this Bill, perhaps some Honourable Member might suggest a better remedy for the abuse which it is my object to correct. The Honourable and Learned Member for Dublin said, the other day, very broadly, that those who opposed the privileges of this House were either Chartists or Ultra Tories. Now, I am neither a Chartist nor an Ultra Tory, and I might just as well say, that because there are Members of this House who are disposed to strain its privileges much beyond the necessity of the case, those privileges ought therefore to be abolished altogether. It is just as easy to impute motives to Honourable Members on one side of the House as to those on the other; but that course has not been pursued by the opponents of the opinions of the Honourable and Learned Member on these privilege questions; and I hope he will give us credit for the honesty of our views and intentions. I propose that the clause be brought up.

Mr. MATTHIAS ATTWOOD. — I have much pleasure in seconding the motion of the Honourable Gentleman, as I ever shall have in supporting any motion having for its object the protection of the public against the enormous encroachment of power to which this House appears to be now aspiring; and I hope that those who oppose this clause will meet it upon its merits rather than upon any mere question of form or technicality. My conviction is, that the whole of these coercive measures which the House is adopting will, in the end, lead to the restriction of the publications of Parliament, and to their contraction within such limited bounds as to render them next to useless. The Right Honourable Baronet the Member for Tamworth, in the course of these discussions, has referred to the case of Polack, and seemed to draw from it a further justification of the course adopted by the House of Commons on the privilege question, because it was in an examination before a Committee of the House of Lords that the libel, in that case, arose. And so, no doubt, it was: but I am far from believing that the House of Lords would have permitted that inquiry to have been conducted with such latitude, if it had been known at the time that it would have come before the public in the manner in which it did. In that case, Polack gave a great deal of information with regard to the state of New Zealand; but when the Committee of their Lordships wished to know something about Polack himself, in order to judge of the value and credit to be attached to his evidence, they called another witness, who told them that he was a man whom he would not believe on his oath; and I cannot think that the House of Lords ever intended that that evidence should be made known in the way it was. And yet this House is about to give to a Committee, composed of some half dozen of its Members, the power of publishing whatever may seem to them to be necessary and useful. I think that the preamble of the Bill ought to state, not only that we shall publish what the House thinks necessary, but what its Committees think necessary also. A Committee is not the House of Commons; and is a body, composed of so small a number of Members as a Committee is, to continue to have the power of publishing any slander it pleases? But the very witnesses who give evidence before our Committees are, as the law seems to be at present, empowered to publish libels by the very evidence they utter. It has been established, in debate in this House, that in one case three fourths of the evidence, as published by Hansard, consisted of matter scarcely any of which was ever uttered before the Committee. The Honourable and Learned Gentleman the Member for Dublin has said, that, by the instrumentality of a Committee of this House, the foulest aspersions may be cast, with perfect impunity, upon the character of men of the most unimpeachable integrity. The party libelled has no means of redress. A case occurred, in which the Honourable Member for Bridport, having been examined before a Committee of this House, and having received from Mr. Gurney a copy of his evidence, for the purpose of revision, made additions to it which nearly doubled its length, and very considerably altered the original; so that there was the greatest difference between it, as it appeared in Gurney's book, and as it was published elsewhere. And yet, notwithstanding facts such as these, the House is going to throw the protection of an Act of Parliament round this description of publications, let them contain what they will. Are we to be the judges of the law? And is there to be no redress, when the House legislates in so loose a manner? If such is to be the case, I can only say, that I shall give my warmest support to any proposition which, like the present, is calculated to place a check on the looseness of examination, as well as of publication, which is frequently carried on under the sanction of this ouse. When the Right Honourable d Learned Member for Ripon proposed, a former occasion, the appointment of Committee to inquire into the way in ich our publications are carried on, I ink his proposal ought to have been at ce acceded to, and that it was a step ich certainly ought to have preceded e introduction of this measure. I think ought to have examined into the man- r in which those publications have been nducted, with a view to ascertain how r this privilege of publication ought to abandoned, and how far it might be aintained, without injury to the com- unity. I am convinced, that if we had ne this before we had recourse to these easures of coercion, we should have aced the House in a higher position together, and have very much facilitated e object it has in view.

Question put, " That the clause be ought up."

The SOLICITOR GENERAL. — I ust feel it my duty to oppose the bring- g up of this clause; first, because I ink it inadmissible within the terms of e preamble of the Bill; and secondly, ecause it is objectionable in itself. Has e Honourable Gentleman fully consi- ered what might be the effect of his own lause? I, for my own part, apprehend it ould have a much more extensive effect han it might at first sight appear to have. ersons very seldom attend Committees o give evidence voluntarily: their attend- nce before Committees of this House is enerally compulsory. And what is the ature of the evidence they are often called pon to give? Not such as is given on a egal trial, before a jury, where the wit- esses are only required to speak upon ome definite point in issue; but before a Committee, they are called upon to give nformation upon subjects very much at large; and are often very little apprised, when they come before it, what is the nature of the questions that are about to be put to them. Again, they are examined by Gentlemen who know nothing of the rules of evidence; nor are the questions confined to the personal and legal knowledge of the parties examined, but frequently extend to mere matters of hearsay and conjecture, upon a vast variety of subjects. If the witnesses had an option of declining to attend before Committees, then some ground might be shown why they should be made responsible for the evidence given by them; but if they are made to attend upon compulsion, what have they to do with the matter, if that evidence be improperly circulated? They have nothing to do with it but to lament it. If the House compels persons to come from all parts of the world to give it information, to what extent does it expect that information will be given, if the parties giving it are to be made liable for its subsequent publication by the House itself? In thus looking at the clause of the Honourable Gentleman, I think its adoption would have the effect of most materially impeding inquiries by this House. This, however, is quite a distinct question from the matter which the Honourable Member for Whitehaven has complained of. It does not follow, that everything which the House may think proper to collect in the way of information, upon any subject, ought to be published; though I certainly think the House ought to have the right of publication, if it should choose to publish any testimony it may have obtained. Why, the very object of instituting inquiries into abuses is to get at what may almost be called defamatory matter. We might wish, for instance, to know what had been the misdeeds of persons holding public offices abroad. The interest of the country at large demands that the House should have the power to institute such inquiries. We have heard much of the examination and evidence of a person of the name of Polack, before the House of Lords; in which case another witness came forward, and gave him a most unsatisfactory character; but would you call such a witness before you, and then tell him, after he had given his evidence, that he would be liable to an indictment for perjury, and compel him to send to New Zealand for another witness to prove the truth of what he says? I know it from experience,—and whoever has had to defend prisoners against charges of perjury knows the same thing,—that the charge of perjury is frequently itself founded in perjury. Will you, then, as the grand inquest of the nation, do that which is involved in the principle of this clause, and expose any man to such an alternative as I have just described, whom, for public purposes, you may have compelled to come before you? What the Honourable Member for Whitehaven has said is most important, with reference to our publications; because it may be often very essential that matters involving information of a defamatory character should be got at. You wish to investigate the misdeeds of persons in office, perhaps, and unless you publish the circumstances, you do not publish that on which your legislation, in consequence, is founded. It would, therefore, often become a doubt with you as to whether you should publish criminatory matter; and as to what species of evidence you would have to support the assertions contained in your publications, if you did.

When the Honourable Member for Whitehaven speaks of protecting the rights of the people against the inquisitorial powers of the House of Commons, I would ask what part of the people it is whose rights the Honourable Gentleman is pleading for? Is it the great bulk of the people, who know what are the rights which Parliament ought to possess, and who have the greatest interest in the maintenance of those rights? No; it is not of them that the Honourable Member speaks; it is on behalf of the few that he makes his appeal, who might be liable to imputations, and on whom the testimony given before a Committee might reflect unfavourably. But has the House of Commons the right to resign its privileges? The people of England know well what the privileges of this House are, and how important to the public interest it is that those privileges should be preserved: and do the Members of this House come here to betray their trust to the public, by resigning them? On the contrary, is it not their duty to exercise those powers for the public benefit? They are the trustees of every privilege that the House possesses, and they will be traitors to their trust, whenever they consent to resign them. They will be unfaithful stewards if they resign privileges, which no one can foretel at what period they may be called upon to exercise, in support of the best interests of the country. The same principles which apply to a court of justice apply, with tenfold force, here; and it is a solemn duty for this House to maintain and vindicate its powers and its efficiency. No doubt this it to be done with care and with caution; but then, I maintain, that these are arguments which lead to care and caution, and which ought not to lead to the introduction of such a clause as the one now proposed. We cannot possibly pass such a clause without inflicting the greatest injustice on persons giving their evidence before this House and its Committees; and its result would inevitably be, the withholding from us great masses of information upon general matters, on which we are called upon to legislate. I submit, therefore, Sir, that this clause ought not now to be received, as it is not, in the first place, of such a nature as to be comprehended in the title of the Bill; and as, in the next place, it requires a great deal more consideration, before a principle can possibly be assented to, which will so far tend to weaken the privileges of this House.

Mr. JONES. — I must say that I do not think the objection raised by the Chairman, on the ground of informality, has been sustained by the Honourable and Learned Solicitor General. The objection is, that this clause does not come within the title of the Bill. The title of the Bill is this: — "A Bill to give summary Protection to Persons employed in the Publication of Parliamentary Papers." Now, what is it that the second clause of the Bill provides for? It is to stop all actions that may have been brought against the subordinate officers of the House for carrying the Speaker's warrant into effect. What, I should like to know, has such a clause to do with the publication of papers? With respect to the other argument of the Honourable and Learned Gentleman, that this clause would weaken the powers of the House, I should say, its tendency would be to strengthen them. I think there is no danger on that head, and I hope the House will permit the clause to be brought up.

Mr. HALFORD. — I hope the House will allow those who, like myself, are anxious to support this clause, an opportunity of doing so, by permitting it to be brought up; for the private character of individuals unquestionably ought not to be left at the mercy of Committees of this House.

Mr. M. ATTWOOD. — The Honourable and Learned Gentleman says that I support this clause, on account of protection I am anxious to afford to but a small proportion of the people; but I can tell the Honourable and Learned Gentleman that his arguments, as to the clause, and the power it gives, are no better than they would be in giving this House power over the lives of the people. The arguments he has used are those of high prerogative, and despotic power, and when I see the privileges of the House of Commons supported in this arbitrary manner, I confess I am led to look with still greater suspicion on its power of intrusting the character of individuals to the care of its Committees.

The CHAIRMAN. — The question is, "That this clause be now brought up."

The House divided: — Ayes 20, Noes 120; Majority 100.

AYES.

Broadley, H.
Darby, G.
Duncombe, Hon. W.
Fitzroy, Hon. H.
Glynne, Sir S. R.
Halford, H.
Henniker, Lord
nglis, Sir R. H.
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Visct.
Maunsell, T. P.
Perceval, Colonel
Polhill, F.
Richards, R.
Smith, A.
Tennent, J. E.
Vere, Sir C. B.
Williams, W.
Young, Sir W.

Tellers.
Attwood, M.
Jones, J.

NOES.

Abercromby, Hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, Rt Hn. F. T.
Barry, G. S.
Berkeley, Hon. H.
Blair, J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, Sir J. Y.
Busfeild, W.
Butler, Hon. Colonel
Callaghan, D.
Chetwynd, Major
Clay, W.
Collier, J.
Collins, W.
Corbally, M. E.
Courtenay, P.
Curry, Mr. Serjeant
Dalmeny, Lord
Dalrymple, Sir A.
Douglas, Sir C. E.
Dundas, C. W. D.
Du Pre, G.
East, J. B.
Elliot, Hon. J. E.
Ellis, W.
Evans, G.
Evans, W.
Fitzalan, Lord
Fitzroy, Lord C.
Gisborne, T.
Gordon, R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Herries, Rt. Hn. J. C.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Hope, Hon. C
Hope, G. W.
Houston, G.
Hume, J.
Humphery, J.
Hurt, F.
Hutt, W.
Hutton, R.
James, W.
James, Sir W. C.
Lambton, H.
Langdale, Hon. C.
Lockhart, A. M.
Macaulay, Right Hon. T. B.
Maule, Hon. Fox
Muskett, G. A.
O'Ferrall, R. M.
Palmer, R.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Rae, Rt. Hon. Sir W.
Rickford, W.
Roche, W.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scarlett, Hon. J. Y.
Seymour, Lord
Sharpe, General
Smith, R. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Sutton, Hn. J. H. T. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Turner, E.
Turner, W.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilde, Mr. Serjeant
Williams, W. A.
Wilshere, W.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Wood, B.
Wrightson, W. B.

Tellers.
Steuart, R.
Tufnell, H.

Question put "That the preamble of the Bill be agreed to."

Mr. MACKINNON.—I beg to suggest the alteration of the words "essential to," to "expedient for," in the preamble.

Amendment agreed to; Bill to be reported on Monday next.

The House resumed.

PRINTED PAPERS—BREACH OF PRIVILEGE.

LORD JOHN RUSSELL.—I now beg, Sir, to move that the Order of the Day be read for the consideration of the petition of Messrs. Hansard (presented 12th March), relative to the last action brought by Mr. Stockdale against them, for a fresh publication of the same matter as was the subject of the former actions.

Order of the Day read.

LORD J. RUSSELL.—I propose to take the same course in this as in the last action,—namely, to declare that the bringing the action was a breach of the privilege of the House; and I will therefore move, at once, the resolution agreed to on the 17th February, with the alteration only of certain words, in order to meet the circumstances, as stated in the present petition. I therefore beg to move, "That John Joseph Stockdale, by commencing and prosecuting the action now depending, at his suit, against James Hansard, Luke Graves Hansard, and Luke James Hansard, and in which a notice of action was served on the 9th day of this instant March, such action being brought for acts done by the defendants as the officers and servants of this House, and under and pursuant to the authority of the orders and resolutions of this House, made in exercise of the privileges of Parliament, has been guilty of a contempt of this House, and a violation of the privileges thereof; and that all sheriffs, under sheriffs, agents, bailiffs, officers, clerks, and others, who shall act, aid, or assist in the continuing, furthering, and prosecuting the said action, will also be guilty of a contempt and violation of the privileges of this House, and subject themselves to the severe censure and displeasure of this House."

Question put.

SIR R. INGLIS. — Although, Sir, there might have been some plausibility in the resolution when it passed on the last occasion, there is, at all events, none on the present; for we have just been considering a Bill, declaring the bringing of these actions to be not unwarranted, and which provides a defence against such actions when brought.

[Cries of "No, no!"]

When we talk of the officers of this House, who are they? The Sergeant-at-Arms? He is appointed by the Crown. The chief Clerk at the table is appointed by the Crown; and even for the choice of a Speaker, we require the sanction of the Crown. Having, then, no officer, we cannot justify any person acting as such; and besides, we ought only to protect a man who prints any paper specially ordered to be printed by the House. After the preamble of the Bill, however, it is a waste of time to pass this resolution; and I shall certainly divide the House against it.

LORD J. RUSSELL. — This is the fifth action brought against Messrs. Hansard for publishing the Report of the Inspectors of Prisons; and I do not see why we should now alter the course we took upon the former occasions, and for which the majority of the House thought that we had the power. It is an extraordinary assumption of the Honourable Baronet, that we are altering or abandoning any privilege by the Bill we are now passing. The Bill proposes to give a more speedy remedy for the protection of officers publishing under the authority of the House, and does not abandon any remedy the House already possesses. For my own part, I can see no other course that the House can take than to pass this resolution. It gives a more speedy remedy to the officers of the House in actions brought against them for publications by order of the House, but it leaves all our privileges in full force.

Mr. LAW. — If the Honourable Baronet the Member for the University of Oxford intends to divide the House, I shall certainly vote with him. I regret that the Noble Lord should have thought it his duty again to bring the subject forward, because it is exceedingly detrimental to the public interests, and cannot tend to raise the House in the estimation of the country. The Noble Lord says, that when the military were last called upon, it was in opposition to the democratic party. However, they were called upon to support the House of Commons. If the resistance of the people should, at any time, become formidable, you might, by calling on the Crown to support the House of Commons against the law of the land, be engaged in a struggle of a very different description: and if that support should be declined, how powerless would the House become! I really do think the House ought not to follow the course of proceeding now recommended. I shall never concur in committing either the sheriff, the plaintiff, or his attorney, and therefore I consider it better to resist the resolution *in limine.*

Mr. DARBY. — I shall join with my Honourable Friend the Member for Oxford in opposing the resolution proposed by the Noble Lord.

The House divided: — Ayes 98, Noes 33; Majority 65.

AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baring, Rt. Hn. F. T.
Barry, G. S.
Berkeley, Hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Butler, Hon. Colonel
Callaghan, D.
Clay, W.
Collier, J.
Craig, W. G.
Curry, Mr. Serjeant
Dalmeny, Lord
Douglas, Sir C. E.
Dundas, C. W. D.
Du Pre, G.
Elliot, Hon. J. E.
Evans, G.
Evans, W.
Fitzalan, Lord
Fitzroy, Lord C.
Gisborne, T.
Gordon, R.
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir C.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Holland, R.
Hope, Hon. C.
Houstoun, G.
Hume, J.
Humphery, J.
Hurt, F.
Hutt, W.
Hutton, R.
James, W.
Lambton, H.
Langdale, Hon. C.
Lockhart, A. M.
Macaulay, Right Hon. T. B.
Morris, D.
Morrison, J.
Muskett, G. A.
Palmerston, Lord Vt.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Protheroe, E.
Rae, Rt. Hon. Sir W.
Rickford, W.
Roche, W.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Seymour, Lord
Sharpe, General
Smith, R. V.
Stock, Dr.
Strickland, Sir G.

trutt, E.
urrey, Earl of
utton, Hn. J. H. T. M.
'ancred, H. W.
'eignmouth, Lord
'hornely, T.
'ufnell, H.
'erney, Sir H.
'ernon, G. H.
'igors, N. A.
'akley, T.
'allace, R.
Warburton, H.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wilshere, W.
Wood, B.
Wrightson, W. B.

Tellers.

O'Ferrall, R. M.
Parker, J. (Sheff.)

NOES.

cland, Sir T. D.
ttwood, W.
ttwood, M.
roadley, H.
uller, Sir J. Y.
alrymple, Sir A.
arby, G.
uncombe, Hon. W.
ast, J. B.
itzroy, Hon. H.
lynne, Sir S. R.
oring, H. D.
alford, H.
enniker, Lord
ope, G. W.
ones, J.
ackenzie, T.
aclean, D.
ahon, Lord Visct.
Maunsell, T. P.
Palmer, R.
Perceval, Colonel
Polhill, F.
Richards, R.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Smith, A.
Sugden, Rt. Hn. Sir E.
Tennent, J. E.
Vere, Sir C. B.
Walsh, Sir J.
Wood, Sir M.
Young, Sir W.

Tellers.

Inglis, Sir R. H.
Law, Hon. C. E.

Resolved, That John Joseph Stockdale, y commencing and prosecuting the acion now depending at his suit, against ames Hansard, Luke Graves Hansard, nd Luke James Hansard, and in which notice of action was served on the 9th lay of this instant March, such action eing brought for acts done by the deendants as the officers and servants of his House, and under and pursuant to he authority of the orders and resoluions of this House, made in exercise of he privileges of Parliament, has been uilty of a contempt of this House, and violation of the privileges thereof; and hat all sheriffs, under sheriffs, agents, ailiffs, officers, clerks, and others who hall act, aid, or assist in the continuing, urthering, and prosecuting the said acion, will also be guilty of a contempt nd violation of the privileges of this House, and subject themselves to the evere censure and displeasure of this House.

Ordered, That a copy of the above resolution be served by the Sergeant-at-Arms upon the sheriff of the county of Hertford, and the under sheriffs thereof, and at the office of the said sheriff.

LORD JOHN RUSSELL.—I intend to postpone the Order of the Day for the consideration of the statement of the Sergeant-at-Arms until Friday next. I propose to bring up the Report on this Bill on Monday, in order that it may be printed, and read a third time on Friday next.

CHINA.

LORD JOHN RUSSELL.—I beg to move, "That the Order of the Day be read for the House resolving itself into a Committee of Supply."

Question put.

VISCOUNT PALMERSTON.—I wish to inform the House that, since I answered the question of the Right Honourable Baronet opposite, with regard to China, I have received despatches referring to transactions which had occurred there. I intend to have them printed, and will present them to the House on Monday.

SIR JAMES GRAHAM.—Perhaps the Noble Lord will state to what the despatches particularly allude; and whether they contain any account of the action which has taken place, or of the commencement of hostilities.

VISCOUNT PALMERSTON.—There are two despatches. One of them, dated in October, states, that an arrangement had been made between Captain Elliot and the Chinese Commissioners, by which it was agreed that the trade should be recommenced and re-opened, the merchant ships remaining outside the port, and not being obliged to subscribe the bond. The other, dated the 3d of November, states that, in consequence of the commander of the Thomas Coutts having gone in and signed the bond, disturbances took place, which led to the action, an account of which has already appeared in the papers. These are the two despatches; and one of them contains inclosures.

Motion agreed to; the House went into committee.

SUPPLY.—ARMY ESTIMATES.

"That a sum, not exceeding 3,511,870*l.*, be granted to Her Majesty, for defraying the charge of Her Majesty's land forces for service in the united kingdom of Great Britain and Ireland, and on stations abroad (excepting the regiments employed in the territorial possessions of the East India Company), from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

On the vote being put, —

Mr. HUME said:—I consider the army expenditure very extravagant, and that great reductions ought to be made in it. It has been stated that the non-effective list has been greatly decreased. Now, I do not believe that to be the case; because the Returns which I hold in my hand prove that the dead weight is nearly the same in amount as it was in 1822. The charge, in 1834, was 2,701,000*l.*; in 1835, 2,749,000*l.*; in 1836, 2,625,000*l.*; in 1837, 2,702,000*l.* We are called upon to vote about 6,000,000*l.* for the service of the country, nearly 3,000,000*l.* of which are dead weight, or half pay. I wish to ask the Right Honourable Gentleman, what has been done with respect to the rule laid down by his predecessor as to the carriage of baggage; because, in the course of last autumn, an individual was fined for not conveying baggage to Windsor; although he pleaded that he was not liable, as he had not a waggon and six horses? I think, in time of peace, that the Government ought to enter into a contract with some person in the metropolis for the performance of this duty. With regard to the depôt system, I observe a charge of 10,000*l.* That question has been very much agitated; and, as the opinions on the subject are very contradictory, I trust the Right Honourable Gentleman will give it his best attention.

Mr. MACAULAY. — I really do not think the charge of the Honourable Member for Kilkenny, with respect to the dead weight, is well founded, when we come down with an estimate making a reduction in it of 70,000*l.* in one year. The Honourable Member may have been misled by the circumstance that, in 1833, a considerable number of pensioners were transferred to the War Office; which transfer must, of necessity, have tended to swell the non-effective charge for a considerable time. Another subject alluded to by the Honourable Member, is the carriage of baggage, which is settled under the Mutiny Act. I perfectly agree with the Honourable Member, that no burden ought to be laid on any subject of the realm which is unfair; and I have no hesitation in saying that, if a person is required to assist the troops, in consequence of having a particular description of property, he ought to be recompensed for the loss which he may sustain. If the Mutiny Act does not provide for such cases, I shall be quite ready to join the Honourable Member in amending it; and I can assure him, that any case which may be brought before me shall receive my best attention. No complaint, however, on this subject has been brought under my notice. I will not, now, go into the very extensive and important question to which the Honourable Member alluded,—I mean the depôt system. I will confine myself simply to the financial part of the subject, and I must say, that the proposition made by the late Secretary at War, to enable the Government to put an end to that system, would have been more expensive to the public than the system now adopted. After being only five months in office, it would be presumptuous in me to propose to abolish that system which the Duke of Wellington considers necessary.

Mr. HUME. — I really cannot understand from what documents the Right Honourable Gentleman draws his statements; for the Returns to which I have alluded show an actual increase, during four years, of 1000*l.* But I object to the half pay system altogether. I would recommend the Right Honourable Gentleman to examine the evidence taken before the Military Commissioners; particularly that part of it which relates to the rule laid down in the French army, that no person shall be entitled to half pay until he has been thirty years in the service. We ought not to allow a pension without some years' service; but the practice in England is, for a person to purchase a commission, and shortly afterwards to retire on half pay. I hope the Government will turn their attention to the subject. I wish to ask the Right Honourable Gentleman, what is the meaning of giving credit for 24,000*l.*, as a contribution from Ceylon, in aid of the military expenditure?

Mr. MACAULAY. — It is the contribution of the colonists.

Mr. HUME. — Is it the whole of the surplus revenue, or only a portion of it? On what principle is the amount calculated?

Mr. MACAULAY. — It is paid by arrangement; and has been done so for the last twelve years.

Mr. HUME. — In my opinion, Ceylon ought to defray the whole of its military expenses; and I have no doubt that it would be able to do so, if its ci tablishments were placed on a proper oting.

Vote agreed to.

"That a sum, not exceeding 164,740*l.*, granted to Her Majesty, for defraying e charge of general staff officers of the spitals, serving with Her Majesty's rces in the united kingdom of Great ritain and Ireland, and on foreign staons (excepting India), and of Her Masty's garrison of the Tower of London, om the 1st day of April, 1840, to the 1st day of March, 1841, both days inlusive."

On the vote being put,—

Mr. HUME said:—I must complain of he great expense of this portion of our ilitary establishment. We have, now, ore staff officers than we had during the ar; and I think that highly improper. I onsider the system adopted at the Horse uards to be very injurious to the army. n the navy, there is a routine of duty; ut, at the Horse Guards, the same individuals have been kept for 25 or 30 years. think this is anything but politic, and hat it does not give other officers a fair hance. I must also repeat my objection to the retention of Lord Hill by the Government; and, in making this remark, I cannot forget that, in May last, the Right Honourable Gentleman opposite would not undertake the duty of forming an Administration unless he had the power of making a complete change. I do not say that any individual placed in a similar situation could have given less offence; but I believe the patronage of the army to be applied to the purpose of opposing the liberal Government of the day; and it was a great disgrace to the Government of Earl Grey to allow such a state of things to continue; and the present Government are still more to blame on this point. I observe, in the list before me, "six aides-de-camp to the Queen." Now, I think it would be much more reasonable to charge for six ladies' maids. Can any one deny that these are merely sinecure offices? I think not. I have mentioned this circumstance, in order to direct the Right Honourable Gentleman's attention to the manner in which the staff is kept up. I now beg to ask a question with respect to the recent appointment of the Lieutenant of the Tower. I wish to know whether the office is still to be continued as a sinecure? In the year 1834, it was not disturbed, out of deference to the Duke of Wellington; but I desire to know, whether the successor of the person who then held the office is to hold it on the same terms?

Mr. MACAULAY.—The situation to which the Honourable Member for Kilkenny refers is not that of Lieutenant, but Deputy Lieutenant, of the Tower. The Honourable Member cannot be more desirous than I am that sinecure offices should be abolished; and my own feelings on this subject were so strong, that, on the death of the late deputy lieutenant, I wrote to the Duke of Wellington to ascertain whether it was requisite to continue the office? His Grace stated that he had filled up the situation, conceiving himself authorised so to do; and he gave very cogent reasons for the course he had taken. His opinion was, that the valuable stores deposited in the Tower might be in very considerable danger, unless an efficient and constant superintendence should be kept up; for, if the necessary vigilance should be relaxed, a very small body of conspirators, having money at their command, might make themselves masters of it. After the expression of such an opinion, I, of course, could not take upon myself to recommend the abolition of the office.

SIR A. DALRYMPLE.—The Honourable Member for Kilkenny has remarked that this is not the first occasion on which he has referred to the Commander-in-chief, and I bear him out in that assertion, for I recollect the attacks made by him eight or nine years ago. I am glad, however, to find that experience has softened down the hostility of the Honourable Member; for he now admits that Lord Hill has conducted the affairs of the army as well as they could be conducted by any person professing the opinions of that Nobleman. The profession do not consider Lord Hill to be guided, in the distribution of patronage, by his political opinions, or that he allows those opinions to interfere with the execution of his duty. If there be any bias, it is in favour of the sons of those who have served in the army; and perhaps such a feeling is very natural for a person in his Lordship's situation. The Honourable Member for Kilkenny has alluded to what he calls the absurdity of "six aides-de-camp to the Queen." But the Honourable Member ought to recollect that they form part of the general staff of the army; and I believe he will find, on examining the list, that they are amongst those officers who have seen the most active service.

Mr. HUME.—I should have no objection to these officers, if they had any employment. In the Civil List there are eighteen grooms and lords and ladies, and what their duties are it is almost impossible to ascertain. I wish to ask the Right Honourable Gentleman if the officer who has recently been appointed to the Tower is to reside there?

Mr. MACAULAY.—I understand that he is to be a resident and efficient deputy lieutenant.

Vote agreed to.

"That a sum, not exceeding 60,146*l.*, be granted to Her Majesty, for defraying the charge of the allowances to the principal officers of the several public military departments in Great Britain, their deputies, clerks, and contingent expenses, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

Vote agreed to.

"That a sum, not exceeding 16,701*l.*, be granted to Her Majesty, for defraying the charge of the Royal Military Asylum and of the Hibernian Military School, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

On the vote being put,—

Mr. HUME said:—I find a charge of 2846*l.* for maintaining the branch establishment at Southampton; and I think an instance of greater extravagance cannot be mentioned. The House will, perhaps, be surprised to hear that there is a governor, a chaplain, a surgeon, a clerk, and five sergeants to keep 70 little girls in order. The average annual expense of maintaining each of these girls is not less than 41*l.* I think the establishment ought to be disposed of altogether, and that the land ought to be sold.

Mr. MACAULAY.—I believe some inconvenience arose, under the former system, and that it was thought expedient to place the boys at one establishment and the girls at another. I certainly must own, that it appears to me that the expense, not merely at Southampton, but of the asylum generally, is very considerable, and that it is deserving of serious consideration. More than that I am not prepared to say.

Vote agreed to.

"That a sum, not exceeding 92,900*l.*, be granted to Her Majesty, for defraying the charge of volunteer corps, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 15,815*l.*, be granted to Her Majesty, for defraying the charge of allowances, as rewards for distinguished services, and of allowances to officers of Her Majesty's garrisons, holding their appointments as rewards for military service, in the united kingdom of Great Britain and Ireland, and on foreign stations, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 92,000*l.*, be granted to Her Majesty, for defraying the charge of the pay of general officers in Her Majesty's forces, not being colonels of regiments, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 53,500*l.*, be granted to Her Majesty, for defraying the charge of full pay for reduced and retired officers of Her Majesty's forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 505,900*l.*, be granted to Her Majesty, for defraying the charge of half pay and military allowances to reduced and retired officers of Her Majesty's land forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 63,606*l.*, be granted to Her Majesty, for defraying the charge of half pay and reduced allowances to officers of disbanded foreign corps, of pensions to wounded foreign officers, and of allowances to the widows and children of deceased foreign officers, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 142,984*l.*, be granted to Her Majesty, for defraying the charge of pensions to be paid to widows of officers of the land forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

"That a sum, not exceeding 127,900*l.*, be granted to Her Majesty, for defraying the charge of allowances on the compassionate list, of allowances as of Her Majesty's royal bounty, and of pensions gratuities, and allowances to officers for wounds, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

Votes severally put, and agreed to.

"That a sum, not exceeding 1,274.689*l.*, be granted to Her Majesty, for defraying the charge of Chelsea and Kilmainham Hospitals; of the in-pensioners of those establishments; of the out-pensioners of Chelsea Hospital; of pensions granted to discharged negro soldiers; and of pensioners from Hanoverian corps which served with the British army in 1793, 1794, and 1795, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

On the vote being put,—

CAPTAIN PECHELL said:—I wish to draw the attention of the Right Honourable Gentleman to the difference in salary and station between the Lieutenant Governors of Chelsea and Greenwich Hospitals. The Lieutenant Governor of Chelsea Hospital, who is a gallant and distinguished officer, and well worthy of the situation which he holds, enjoys his pay as the colonel of a regiment, and other emoluments, and he may be made a field marshal; the Lieutenant Governor of Greenwich Hospital, on the contrary, is stationary as a rear admiral, and is not allowed to receive his half pay. I cannot see why these distinctions should exist.

Mr. GISBORNE.—I wish to suggest to the Right Honourable Gentleman whether some means might not be adopted to render the personation of the pensioners more difficult. Cases have occurred of widows receiving pensions seven years after the death of their husbands. The loose way in which affidavits are taken before magistrates affords great facilities for abuse; and I think more care might be taken in identifying the parties.

Mr. MACAULAY.—I fully agree with the Honourable Gentleman that a great deal of imposture is practised under the present system, and I hope to be able to apply a suitable remedy. With respect to the observation of the Gallant Officer, his objection appears to be, not that the Lieutenant Governor of Chelsea Hospital is overpaid, but that the Lieutenant Governor of Greenwich Hospital is not sufficiently remunerated. That subject is not in my department, and of course I can offer no opinion on the subject.

Mr. HUME.—I trust the Gallant Officer will postpone his remarks to another opportunity, which will be afforded him when I bring in a Bill to reduce the expenses of Greenwich Hospital, which I believe can be done to a considerable extent. I am glad to hear that the Right Honourable Gentleman has turned his attention to the mode in which the payments are made to the pensioners; for I am satisfied that gross abuses have prevailed for a great number of years.

Vote agreed to.

"That a sum, not exceeding 42,000*l.*, be granted to Her Majesty, for defraying the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances, to persons formerly belonging to the several military public departments in the united kingdom of Great Britain and Ireland, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive."

Vote agreed to.

The House resumed.

Resolutions to be reported on Monday next; Committee to sit again on Monday next.

MUTINY BILL.

On the motion of LORD JOHN RUSSELL, read a second time, and committed for Monday next.

MARINE MUTINY BILL.

On the motion of LORD JOHN RUSSELL, read a second time, and committed for Monday next.

RIGHT OF VOTING (SCOTLAND) BILL.

Second reading deferred till Monday, 30th March.

UNION WORKHOUSES BILL.

Committee deferred till Monday next.

PRINTED PAPERS.

Consideration of the statement of the Sergeant-at-Arms deferred till Friday next.

PRISONS BILL.

Committee deferred till Monday next.

HORSE-RACING BILL.

Read a third time, and passed.

WAYS AND MEANS.

Committee deferred till Monday next.

DESIGNS COPYRIGHT BILL.

Mr. E. TENNENT. — I wish to call the attention of the House to a point of form in connection with the Designs Copyright Bill, in order that, if the correct course have not been taken, the Bill may be withdrawn and commenced *de novo*. On the 25th of January, I brought in a Bill to amend the law of copyright of designs, which now stands referred to a Select Committee; and a doubt has arisen whether the Bill ought to have originated in a resolution of the whole House, in conformity with the Standing Orders; inasmuch as it affects trade. During the present Session, the attention of the House has been called to two Bills, which have been withdrawn under similar circumstances, and afterwards introduced, in compliance with the Standing Order. In this case, however, the Bill does not affect to touch the duties; and I am of opinion that, strictly speaking, it cannot be called a Bill relative to trade. But, as it is a matter of considerable doubt, I am anxious, Sir, to ascertain your opinion on the subject.

Mr. W. WILLIAMS. — I cannot consider this to be a Bill affecting the trade of the country, within the meaning of the Standing Order. Its object is simply to extend the copyright of designs from three to twelve months.

Mr. M. PHILIPS. — I think the Bill does not affect the revenue of the country; for there is nothing in the shape of a tax to be collected. It is merely to enact an extension of time, and involves no new principle whatever; and so far as I am able to come to a conclusion, I do not consider that there is any occasion to go into a Committee of the whole House.

Mr. M. J. O'CONNELL. — I cannot see any distinction, in point of principle, between the present Bill and that for the extension of copyright introduced by the Honourable and Learned Gentleman the Member for Reading.

The CHANCELLOR of the EXCHEQUER. — I think it would be more satisfactory to the House to ascertain your opinion, Sir, than to enter into any discussion on the subject. Questions of this kind ought to be left to your decision.

Mr. P. HOWARD. — I believe the Bill does not at all affect the financial regulations of the country; and if the Bill for the extension of copyright did not come within the order, I think this Bill cannot.

The SPEAKER. — The question is, not whether the Bill affects the revenue, but whether it comes within the Standing Order, that Bills relating to trade shall commence in a Committee of the whole House. Since the question was raised upon the Bill, I have given a good deal of attention to the subject. The original Standing Order was made in 1703, when the proposition for any Bill relating to trade was ordered to be first examined in the Grand Committee for Trade, then appointed at the commencement of every Session. In 1772, the present Standing Order was made, by which a Committee of the whole House was substituted for the Grand Committee for Trade; and this order remains in force to the present day. Of late years the practice has been to construe the order as applying merely to Bills relating to the import and export trade; but the practice is not uniform. I have looked into all the Acts between 1800 and 1815, and I find, that though a great majority of the Bills relating to trade have been brought in by order of the House, still a certain number have originated in Committee. If the Standing Order is found to work inconveniently, it ought to be amended; but so long as it remains on the Journals, I think the House ought to adhere to it literally. The difficulty here is, whether the present Bill does so far relate to trade as to come within the Standing Order. I had no doubt, in the case of the Copyright Bill, that it did not, because it affected trade only indirectly; and the former Copyright Bill was brought in by order of the House, without any previous Committee. But as some Bills, strongly resembling the present, have originated in a Committee of the whole House, I think the safer course would be, to refer the Report of the Committee up-stairs, to a Committee of the whole House, when the Bill may be ordered to be brought in in the usual manner.

Mr. E. TENNENT. — Sir, I now move, "That you leave the chair, and that the House resolve itself into a Committee of the whole House."

Mr. WARBURTON. — I apprehend hat the first step will be, to withdraw the Bill. The Honourable Member may then nove for leave to bring in a new Bill.

Mr. HUME. — When a Bill is referred o a Committee, it is usual for that Comnittee to report.

The SPEAKER. — The proper course vill be, to discharge the order, and then vithdraw the Bill. The Honourable Member may then move to bring in another.

Mr. BROTHERTON. — I would recommend the Honourable Member to postpone any further proceedings until he Committee have reported.

Mr. E. TENNENT. — Sir, the position n which I now stand is this. The Bill vas read a second time, and ordered to e referred to a Committee. All I ask is, o place the new Bill in the same position, in order that it may be referred, s soon as the old Committee have reported.

Mr. WARBURTON. — I think the better course would be, to take the evidence before it assumes the form of a Bill; and I would therefore suggest to the Honourable Member to withdraw the Bill, and proceed to the Select Committee which has already been appointed.

The SPEAKER. — The ordinary course s, when any subject has been referred to Select Committee, to refer the Report f that Committee to a Committee of the whole House, and for the Committee of he whole House to order the Bill to be rought in.

Mr. M. J. O'CONNELL. — Sir, the Bill has already been read a second time, nd the House has assented to its principle. I think it would only be fair to llow the Bill to be in the same state as if o doubt had arisen with respect to the Standing Order.

Mr. M. PHILIPS. — I cannot agree with the Honourable Gentleman, that he House, by agreeing to the second reading of the Bill, assented to its principle. I did not object to the second reading, because, in the absence of information which I was desirous of obtaining, I considered that I might be doing an injury to trade; but I have since ascertained that many of the manufacturers are opposed to the extension. I wish to ask the Honourable Member whether the Bill which he now intends to introduce will be in the same terms as the original Bill?

Mr. E. TENNENT. — It will, with merely verbal alterations. In obedience, Sir, to your suggestion, I will withdraw the Bill, then wait the issue of the Report of the Committee, and refer it to a Committee of the whole House.

Order (5th February) for committing the Bill to a Select Committee, read, and discharged; Bill withdrawn.

PAPERS, &c.

Coals, Cinders, and Culm. — On the motion of Mr. J. H. Vivian, accounts ordered —

Of the quantities of coals, cinders, and culm shipped at the several ports of England, Scotland, and Ireland, coastwise, to other ports of the United Kingdom, in the year 1839; distinguishing the quantity shipped at each of the said ports, as compared with the year 1838:

Of the quantities and declared value of coals, cinders, and culm exported from the several ports of England, Scotland, and Ireland to foreign countries and the British settlements abroad, in the year 1839; distinguishing the countries to which the same were sent, and comparing the same with the year 1838; also distinguishing the ports of the United Kingdom from which the same were shipped:

Of the quantities of coals, cinders, and culm exported from the United Kingdom in the year 1839, with the rate and amount of duty thereon:

Of the quantities of coals brought coastwise, and by inland navigation, into the port of London, during the year 1839; comparing the same with the quantities brought during the year 1838.

China Produce. — On the motion of Mr. Herries, copy or copies ordered —

Of any directions or authority issued to the Commissioners of the Customs by the Commissioners of the Treasury, for the admission into British ports of any article the produce of China, brought in foreign craft or vessels from the port of Canton, and transhipped into British ships.

Adjourned, at twelve o'clock, till Monday next.

HOUSE OF LORDS, Lunæ, 16° die Martii, 1840.

APPEALS.

Reid *v.* Baxter. — Further and fully heard, and consideration adjourned to Thursday next.

Neilson *v.* Mrs. Jean Donald (or Cochrane). — In part heard, and adjourned till to-morrow.

Munro *v.* Munro. — Adjourned till to-morrow.

The Skinners Company *v.* The Irish Society. — Petition of the appellant for further time to lodge cases.

The Skinners Company *v.* The Irish Society. — Three petitions of respondents for further time to lodge cases.

Charter *v.* Sir John Trevelyan. — Petition of the appellant for further time to lodge cases.

Read, and referred to the Appeal Committee.

Cameron *v.* M'Caskill. — Leave for a recognisance to be entered into for the appellant.

Renton *v.* Anstruther. — Petition of the appellant for further time to lodge cases, read, and referred to the Appeal Committee.

CHESTER AND BIRKENHEAD RAILWAY BILL.— SHEFFIELD AND ROTHERHAM RAILWAY BILL. — LANCASTER AND PRESTON RAILWAY BILL. — LIVERPOOL EAST INDIA WAREHOUSE COMPANY BILL. — EDINBURGH AND LEITH GAS BILL.

Read a third time, and passed.

WARR'S DIVORCE BILL.

Order of the Day for the second reading, and the Lords summoned, read; counsel called in, and witnesses examined; and the further consideration and second reading adjourned *sine die;* evidence to be printed.

MARCHMONT PEERAGE.

Message to the Commons for the Right Honourable Sir George Henry Rose, Baronet (a Member), to attend the Committee for Privileges.

EDINBURGH GAS BILL.

Read a third time, with the amendment, and passed, and sent to the Commons.

NORTH UNION RAILWAY BILL.

Read a second time, and committed for to-morrow.

LLOYD'S DIVORCE BILL.

Amendment reported (according to order); Bill to be ingrossed, and to be read a third time to-morrow.

EARL OF SCARBOROUGH.

Petition of, for a Bill, read, and referred to two English judges.

SUPPLY OF WATER TO THE METROPOLIS.

The MARQUESS of WESTMINSTER. — My Lords, I have to present to your Lordships a petition from the vestrymen of the parish of Saint Marylebone, in the county of Middlesex, complaining of the unwholesome state of the water usually supplied to the metropolis, as also the exorbitant expense annually defrayed by persons compelled to avail themselves of the present supply; and praying for the appointment of a board of appeal (unconnected with any water company) to decide all matters of complaint. Your Lordships are aware that a Committee of this House has been appointed to consider this most important subject;

and I trust that they will not separate without having come to some satisfactory resolution. I do not know whether Government have taken any steps in the matter; but I think it is sufficiently important to command their serious attention. For my part, I can only say that I should be happy if some new company were formed to break up the present monopoly; and I would willingly subscribe 1000*l.* towards its formation.

Petition read, and referred to the Select Committee on the Supply of Water to the Metropolis.

SCOTCH CHURCH PATRONAGE.

The **EARL of HADDINGTON.**—My Lords, I have to present a petition on the subject of non-intrusion, somewhat different in its prayer from most of those which have been laid on your Lordships' table. It is from the parishioners of Kenneff; and the petitioners state that they regret the difference which exists between the civil and ecclesiastical courts in Scotland, because they conceive it to be injurious to the interests of religion, and destructive of those good feelings which are so necessary for the well-being of society. They beg for the interposition of Parliament to settle the matter in dispute; and they pray, on the one hand, that no minister shall be rejected by the arbitrary decision of the people, and, on the other, that no minister shall be inducted, if just cause of exception to his induction be shown.

Petition read, and ordered to lie on the table.

The **EARL of ABERDEEN.** — My Lords, I have to present petitions from the inhabitants of Monymusk; Cluny; Arbroath; Acharacle; St. James, Glasgow; Kettle; Barr; Alford; and Oathlaw, in favour of the non-intrusion principle. While on this subject, I wish to observe that I have received various communications from different parts of the country, in consequence of some words which I addressed to your Lordships on this subject, strongly remonstrating with me for advising delay in the settlement of this question. Now, to charge me with counselling delay is certainly a mistake. I never advised that any delay should take place: on the contrary, I blamed the Government for not coming to a decision on the subject. I did, however, say, that I considered precipitation to be worse than hesitation. There was no inconsistency in that. It is proper that such a question should receive due and serious consideration; but it does not follow that those who desire it to receive that due consideration are favourable to unnecessary delay; yet, from all parts of the country, I have received communications, blaming me for having advocated delay. When the Noble Viscount was questioned on the subject, he only said that Government had not, at that time, made up their minds whether they would, or would not, introduce a measure on the subject. We have now arrived at about the middle of March, and I should like to know what decision, if any, the Government has come to. I hope that the Noble Viscount will not convert the "ides of March" into the "Greek kalends," with respect to this question; but will speedily inform your Lordships what the intentions of the Government are.

VISCOUNT MELBOURNE. — My Lords, I cannot state that Government are, at this moment, prepared with any measure on the subject. At the same time, I admit the right of the Noble Earl, and of other Noble Lords who are interested in this question, to learn the determination of the Government with respect to it at the earliest moment, in order that, if Government do not take it up, others who have considered the subject may do so. I shall therefore take care that your Lordships, at the earliest period, shall receive the necessary information.

CORN LAWS.

LORD BEXLEY and the **DUKE of WELLINGTON** presented petitions against the repeal of, — from freeholders, agriculturists, and others of East Budleigh; of owners and occupiers of land in the parish of Bisham; and of agriculturists of the county of Southampton. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The **MARQUESS of BUTE** and **LORD STRAFFORD** presented petitions in favour of the principle of non-intrusion, — from the presbytery of Haddington: from the minister, elders, and others of St. David's, Kirkintilloch: from the minister, session, and others of the Presbyterian Church of

Aghadowey, in connection with the synod of Ulster: from the minister, elders, and others of Avendale and town of Strathaven: from minister, session, and others of the Presbyterian Church of Ringsend, in connection with the synod of Ulster: and from inhabitants of Garioch; Premnay; East Kilpatrick; Chalmers parish, Glasgow; Newmachar; and Lumphannen. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The MARQUESS of NORMANBY presented a petition in favour of,—from inhabitants of the borough of Liverpool, in public meeting assembled. — Read, and ordered to be received as the petition of Joshua Walmisley (the mayor), who, only, has signed it.

AFFAIRS OF SPAIN.

The MARQUESS of LONDONDERRY. — My Lords, I wish to ask the Noble Viscount opposite for some further information relative to the affairs of Spain. I believe it was in 1824, in Mr. Canning's Administration, that a considerable sum of money was voted for the relief of the Spanish refugees. I believe that the parties who benefited by the grant were the Mendizabals, the Constitutionalists, the Liberals, who now govern that country; but who refuse to pay the British soldiers who have supported their cause in the field. As I wish to know how that fund has been appropriated, I shall move for "a Return of all moneys paid by the British Government since 1824, in each year, for the support of Spanish exiles in this country: Also,

Return of the Spanish pensioners still in this country receiving pensions, and the amount thereof: And, also,

Return of all moneys and supplies furnished to Spain since the last Returns up to the present period."

VISCOUNT MELBOURNE. — I beg to inform the Noble Marquess, that I have no objection to the production of those Returns.

Address for Returns agreed to.

VACCINATION EXTENSION BILL.

LORD ELLENBOROUGH. — My Lords, in moving that the House now go into committee on this Bill, I have to inform your Lordships, that, since it was last before your Lordships, I have seen the Poor Law Commissioners on the subject. I have agreed to certain suggestions made by them, and they have acceded to my views on other points. I wish, therefore, that the Bill may now go through the Committee, and that it may then be printed, with the amendments.

The MARQUESS of NORMANBY. — I should be glad to hear from the Noble Lord whether he has inserted any clause relative to Ireland? I am of opinion, that Ireland should, for the present, be excluded from the operation of the Bill, as the New Poor Law has been so recently brought into operation there, and no opportunity has been given for consulting those whose opinions on this subject ought to be respected.

LORD ELLENBOROUGH. — I thought it better to include Ireland in the Bill, because, if Ireland were omitted, it might be said, when the Bill reached the other House, that we had passed a measure which was beneficial to this country, but that we had neglected to extend that benefit to Ireland. I have no objection, however, to adopt the suggestion of the Noble Marquess.

The MARQUESS of NORMANBY. — I trust that any Bill which would treat Ireland equally well as England, would be as well received here as elsewhere; but I have another subject to allude to. I think that a clause ought to be introduced to prevent, by a penalty, the inoculation for small-pox. Some of the heads of the medical profession have told me, that if such a penal clause be not introduced, the Noble Lord will not effect half his object.

LORD ELLENBOROUGH. — My principle is rather to lead men to do that which is proper, by showing them the benefits that are likely to accrue from such a line of conduct, than to compel them, by penalties, to pursue it. If, however, such a clause as the Noble Marquess recommends be introduced, I shall not oppose it, although I am adverse to the principle.

The MARQUESS of LANSDOWNE. — My Lords, I can positively state, that it is the opinion of some of the most eminent medical men that some provision should be made to prevent the numerous and daily mischiefs which arise in consequence of ignorant persons inoculating with the small-pox *virus*. It is not enough that men should be induced by persuasion to pursue a course that tends to their own good; it is necessary, also, that ignorant people should be prevented, by legal enactments, from doing evil to others.

The BISHOP of LONDON. — I can fully corroborate what the Noble Marquess has said. I know that the clergy are of opinion that much evil is created amongst the poor by persons practising as medical men, who are not qualified to perform the most trifling operation, and who are ever ready to inoculate. To prevent that evil, I conceive that a penal clause would be advisable. In the agricultural districts, although there is no difficulty in procuring the vaccine matter, the people have a great reluctance to use it; but if a medical man were properly authorised to vaccinate, their objection would be removed, and the object of the Noble Lord would be fully effected.

LORD ELLENBOROUGH. — I believe that my Noble Friend opposite has prepared a clause which will answer the object of the Right Reverend Prelate.

LORD ASHBURTON. — My Lords, I am strongly of opinion that something should be done to check inoculating with the small-pox *virus*. I would not go the length of absolute prohibition; but I would propose, that the practice should be confined to medical men; and that they should be obliged to furnish a return of the number of cases in which they had so inoculated.

The MARQUESS of NORMANBY. —I will now propose a clause imposing a penalty on any non-professional man who shall inoculate any patient.

House in committee (according to order); amendments made; the Report thereof to be received on Thursday next; and Bill to be printed, as amended.

LIVERPOOL PETITION.

The EARL of CHARLEVILLE.— My Lords, I wish to call your Lordships' attention to a petition which has been presented this evening. I have examined the petition from the borough of Liverpool in favour of the Municipal Corporation Bill for Ireland, presented by the Noble Marquess, and I find that it comes from Joshua Walmisley, the mayor; and not from the inhabitants of that borough.

The MARQUESS of NORMANBY. — I stated that the petition was from the inhabitants, and signed by Mr. Walmisley, on their behalf, which the Noble Earl would have known, if he had attended to me.

The EARL of CHARLEVILLE. — Then I have to inform the Noble Marquess that I have attended to him, and that the mayor cannot sign a petition to this House, in his corporate capacity. It is, in fact, the petition of Joshua Walmisley.

LORD HOLLAND.—The Noble Earl is quite wrong as to the point of form. It is quite usual to receive petitions signed by chairmen on the behalf of meetings over which they have presided.

The MARQUESS of NORMANBY. — I stated that it did not come from the mayor, in his corporate capacity, but that it was signed by Mr. Walmisley.

The EARL of CHARLEVILLE. — And the consequence is, that it cannot be the petition of the inhabitants; it must be taken as the petition of the individual.

The MARQUESS of LANSDOWNE. — I have, myself, not unfrequently, presented petitions from county meetings, signed by the sheriffs. I know one case in which the sheriff, although differing in opinion from the meeting, signed for it.

The MARQUESS of WESTMEATH. — I congratulate your Lordships on receiving a petition presented by the Noble Marquess, desiring that municipal corporations may be extended to the intelligence, moral worth, and property of Ireland. I expect that when the Bill comes before your Lordships, the Noble Marquess will adhere to the principle laid down in the petition; and I can assure the Noble Marquess, that if he will show that is the use and object and purpose of the Bill, I will give it my cordial support.

The MARQUESS of NORMANBY. — I am willing to leave the Noble Marquess to settle the standard of intelligence and moral worth with his country. The

Noble Marquess will surely not deny the existence of property, or intelligence, or moral worth amongst the Roman Catholic population there.

The MARQUESS of WESTMEATH. — I certainly think that the intelligence, moral worth, or property of Ireland is not confined to the back lanes and back streets of the town in that country.

RETURNS, PAPERS, &c.

Additional correspondence relating to China. — Delivered (by command), and ordered to lie on the table.

Report of the Superintending Committee of the General Penitentiary at Millbank. — Delivered (pursuant to Act), and ordered to lie on the table.

Return of all peerages of Ireland created since the Union, stating the peerages on the extinction or supposed extinction of which each new peerage has been created; and also, of all other peerages of Ireland supposed to have become extinct during the same period. — Delivered on Tuesday last. — Withdrawn.

On the motion of **Lord Monteagle**, copies of all communications between the Treasury and the Comptroller of the Exchequer, on the subject of certain papers and documents removed from the vaults at Somerset House, to the office at Whitehall Yard.

Adjourned.

HOUSE OF COMMONS.

THE House met, and forty Members not being present at four o'clock, Mr. SPEAKER adjourned the House till to-morrow.

HOUSE OF LORDS, Martis, 17° die Martii, 1840.

APPEALS.

Neilson *v.* Mrs. Jean Donald (or Cochrane). — Further and fully heard, and consideration adjourned to Thursday next.

Munro *v.* Munro. — In part heard, and adjourned to Thursday next.

Charter *v.* Sir John Trevelyan. — Petition of the respondent for further time to lodge cases, read, and referred to the Appeal Committee.

Galwey *v.* Barron. — Appeal presented, and respondent ordered to answer in five weeks.

APPEAL COMMITTEE.

Second Report from, read, and agreed to, and ordered accordingly.

FREETHORPE INCLOSURE BILL. — PROTESTANT DISSENTERS' ASSURANCE COMPANY BILL.

Brought from the Commons, and read a first time.

MANCHESTER AND SALFORD CANAL BILL.

Read a second time, and committed for Friday next.

KENNET AND AMESBURY ROAD BILL.

Read a second time, and committed for Thursday next.

LLOYD'S DIVORCE BILL.

Read a third time (according to order), and passed, and sent to the Commons.

GARBOLDISHAM INCLOSURE BILL.

Reported, without amendment.

PERRY'S DIVORCE (INDIA) BILL.

Message from the Commons for depositions transmitted from India; and the depositions ordered to be communicated accordingly.

MARCHMONT PEERAGE.

The masters reported, "That the Commons had given leave to the Right Honourable Sir George Henry Rose (a Member) to attend the Committee for Privileges."

HORSE-RACING ACT IN PART REPEAL BILL.

Returned from the Commons, agreed to.

ADMINISTRATION OF JUSTICE BILL.

To be read a second time on Friday next; and the Lords summoned.

SCOTCH CHURCH PATRONAGE.

The EARL of GALLOWAY. — My Lords, I hold in my hand petitions in support of the non-intrusion principle, from the inhabitants of Kirkpatrick, Luss, Crossmichael, and Mid Calder. I will take this opportunity, not having been so fortunate as to be in the House during the conversation which took place on non-intrusion yesterday, to trouble your Lordships with a few observations. I have learnt, from the ordinary channels of information (I hope, correctly), that a Noble Earl (Earl of Aberdeen) stated that he had received letters of remonstrance from various parts of Scotland for having advised the Government to delay the settlement of the Church question; and he explained that, so far from having advised, he had rather blamed, the Government for the delay which had taken place; but that he had urged on Her Majesty's Ministers, if they had thus far postponed he consideration of the subject, not to be nduced to come to a rash and precipitate ecision at last, which, instead of being ccessory, might be prejudicial, to the nal and proper settlement of the quesion. Now, it so happens that these obervations fell from the Noble Earl the ame day that I thought it my duty, in onsequence of the representations which had received from Scotland, to urge on ie Government not to allow another ionth to pass without an endeavour to ffect some satisfactory settlement. I do ot say that the Noble Earl was induced, y what fell from me, to make the observtions attributed to him; but it so fell ut, that the Noble Earl's recommendtion of delay followed, in point of time, nmediately upon my request for expediion. Wherefore, in my own defence, I rish to state some of the reasons which nduced me to urge the subject on the ttention of Ministers. First, I rememered that the Government had had six nonths for consideration, — that time nd more having elapsed since the colision between the Church and the civil ourts; next, I remembered the conduct f the Government on the subject of hurch extension in Scotland; I rememered the professions made by Her Maesty's Ministers, the appointment of the Commission of Inquiry, the Reports which vere prepared, and how, after all, the matter vas staved off from month to month, and rom year to year, until, finally, having erved its purpose, — the purpose of the Government, but not of the people, — it vas abandoned. Then I remembered that he settlement of this question was the rayer of the bulk of the petitions which ave been laid on your Lordships' table, nany of which I have myself had the onour of presenting; and, lastly, I was f opinion that if this question was to be iscussed in Parliament, it was very deirable that the discussion should take place efore the House should separate for the Easter recess. These reasons form my xcuse for having urged the Government o take the subject in hand. Nevertheess, my respect for the superior informtion and experience of the Noble Earl Earl of Aberdeen), — my respect for his alents, his judgment, and his general osition in this House, — looking to him, while the Government neglects its duty, s the leader on this important Scotch uestion, induced me to hold my peace, nd silently and respectfully to acquiesce n his views. But now another month as passed, and the Government are unrepared to say, not only what they will do, but whether they will do anything at all. Meanwhile, there are in Scotland, "wars and rumours of wars;" the country is rent by dissensions from end to end; and, I regret to add, that some of the clergy, apparently forgetting their sacred office, have taken a leaf from the book of the Roman Catholic priesthood of Ireland; and agitation is going on in a form and spirit unworthy of the sacred calling of those who are engaged in it. I do not say this of all the clergy; my respect is too great for that enlightened body; and I know many of them, even of the anti-intrusionists, who, although disapproving of the decisions of the civil courts, still deplore the conduct of those brethren in the ministry to whom I have alluded. But the peace of parishes has been disturbed; the feelings of amiable and excellent individuals have been wounded and lacerated; and dissension has been fomented between pastors and their flocks. I have been repeatedly requested again to urge the Government to endeavour to pacify the country; but I have abstained from doing so, partly because I believed my efforts would be useless, and partly because I did not feel myself competent to the task, which more properly belongs to Noble Lords near me. I will therefore sit down with the simple expression of my own conviction, that the longer this question remains unsettled, the more difficult it will become of solution and adjustment.

The MARQUESS of LANSDOWNE. My Lords, I cannot let the observations — of the Noble Earl, or what might be implied from the language used by another Noble Earl, to go forth, without stating that neither the Noble Earl who has just addressed your Lordships, nor the other Noble Earl to whom allusion has been made, is justified in supposing that, because the Government have delayed to bring forward a measure on this important subject, there has been any delay whatever in its consideration. So far from it, the fact is, that consideration was given to it at a very early period; and it is only the great importance of the question, and the very circumstances which the Noble Earl has stated, as to its difficulty, that have prevented the Government from bringing a measure forward. Your Lordships must feel that the circumstances stated by the Noble Earl himself, in his short speech, are, of themselves, enough to make us dread precipitation. And, I must add, that I would much rather incur, on the part of the Government, the reproach, according to the expression of the Noble Earl (Lord Aberdeen), of delay, than that of launching precipitately upon the question, without an opportunity of making ourselves previously acquainted with all the opinions, feelings, and views that prevail in Scotland with respect to it. I am convinced that, if we took such a course, so far from allaying, it would materially aggravate those asperities of feeling on this subject which now unfortunately prevail in Scotland. My Lords, having stated thus much, it is not my intention to offer any opinion on the subject; nor would I advert to the assertion of the Noble Earl that the Scotch clergy have followed up the principle and practice of the Roman Catholic Church on this occasion; because I could not do so without entering into a discussion that could produce no benefit, and which had, therefore, be better deferred till the whole question shall come formally before your Lordships. I can repeat for my Noble Friend what he has stated for himself, that he will immediately give notice when the Government are prepared to introduce a measure adapted to remedy the evils and inconveniences which the Noble Earl has described; and he will give that notice in a manner so distinct, as to make the country fully aware of the intentions of Government, and to enable your Lordships carefully to consider the measure itself; or, if you disapprove of it, the arrangement, in point of time, will allow you to substitute another. Standing on that ground, I shall abstain from remarking further on the observations of the Noble Earl.

The EARL of GALLOWAY. — My Lords, I am much pleased that what I have said has elicited a more explicit declaration of the intentions of Government than has heretofore been given. I am, however, anxious to prevent a mistake going abroad with respect to what I said relative to the Scotch clergy, and which has been misunderstood by the Noble Marquess. I was far from charging against the clergy of the Church of Scotland that which the Noble Marquess appears to suppose that I did. On the contrary, I specially stated that I had the greatest respect for them, generally; but, I added, that I know, of my own knowledge, that some members of that Church have resorted to practices, in the course of this dispute, which were very much like those adopted by the Roman Catholic priesthood.

The EARL of ABERDEEN. — The statement of the Noble Marquess is so far satisfactory; because it appears, from it, that Government will introduce a measure.

The MARQUESS of LANSDOWNE — I did not say that.

The EARL of ABERDEEN. — Well, then, I suppose I am mistaken. But, at any rate, I would suggest, that, in taking ample time to consider any measure, — if a measure is to be proposed, — it will be right to keep in view a very important event, with reference to the fate of such a measure — I allude to the meeting, early in the month of May, of the General Assembly. It is of essential importance, if a measure on this subject be introduced, that it should be considered by Parliament before that meeting; and if the Noble Viscount delay his measure until after Easter, the interval between that and the May meeting will hardly allow of full consideration. I throw out this suggestion only to remind the Noble Marquess that great inconvenience will be experienced, if Government introduce a measure into Parliament, and then leave it suspended until after that meeting shall have taken place.

The MARQUESS of LANSDOWNE — I did not state that Government had decided that any measure would be introduced by them; but that, if they should decide to introduce one, ample notice would be given on the subject; and, if not, that full opportunity would be given for the introduction of a measure by others.

POOR LAW AMENDMENT ACT.

Petition for alteration of, as relates to the better attendance of medical men upon the poor, and suggesting various propositions the better to attain that object, — of the medical and surgical practitioners of the city of Gloucester. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The MARQUESS of BUTE and the EARL of HADDINGTON presented petitions in favour of the principle of non-intrusion, from the minister, elders, and deacons of the Scots Church at London Wall, in the City of London; from the presbytery of Kelso; from the Presbyterian Church at Saintfield. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The EARL of GALLOWAY and Lord

ITZGERALD and VESCI presented petitions gainst,—from inhabitants of Eardisland; ngham; and Llanfechain; and a petition rom the mayor, sheriffs, burgesses, and thers of the town and county of the own of Drogheda, praying that their ights, privileges, and immunities may be rotected. — Read, and ordered to lie on he table.

MAYNOOTH COLLEGE.

The EARL of GALLOWAY presented pe-itions against any further grant of money or the support of, — of inhabitants of ngham; Eardisland; Ipplepen; and lanfechain.

LORD REDESDALE presented a petition or the appointment of a Committee to nquire into the studies and discipline of he college,—from Protestant inhabitants f Norfolk and Norwich.

Read, and ordered to lie on the table.

CORN LAWS.

The MARQUESS of WESTMINSTER and LORD REDESDALE presented petitions gainst the repeal of, — from owners and ccupiers of lands in the parishes of White Waltham and Shottesbrook; and undred of Bampton; from landowners, armers, and others, of Modbury; Black-wton; Stokenham; and Marlborough; nd from the agriculturists and others f Newton St. Cyres. — Read, and rdered to lie on the table.

PROTESTANT EMIGRATION.

The DUKE of ARGYLL.—My Lords, have to present to your Lordships a etition from the members of the Glasgow Protestant Emigration Society, stating heir want of employment, and praying to e enabled to proceed to Upper Canada, where they may be allowed a grant of and. I will take this opportunity to in-uire whether Government has received ny information of recent proceedings of the House of Assembly of Upper Canada, with respect to Crown lands?

VISCOUNT MELBOURNE. — An Address of the Legislative Assembly has been received, one paragraph of which adverts to the propriety of appropriating part of the Crown lands to the encouragement of emigration. The Address will be laid on the table with other papers.

Petition read, and ordered to lie on the table.

FOREIGN FLOUR.

The MARQUESS of LONDONDERRY. — My Lords, a petition has been forwarded to me, of a very important nature; and I am sure that when I state to your Lordships that it comes from the high sheriff and grand jury of the county of Down, a body of men not surpassed by any similar body in the empire for property and intelligence, it will be considered by your Lordships to be worthy of the most grave attention. The petitioners allude to a measure now passing through another place, for the importation of foreign flour into Ireland; which measure they state to be fraught with ruin to the agricultural interests of Ireland. It is true that, according to the forms of the House, I cannot properly present the petition at the present moment; but having received it to-day, I considered myself justified in introducing it at once to your Lordships' notice. With these observations, I will, with your Lordships' permission, withdraw the petition, and present it when the Bill to which it refers comes regularly before the House.

Petition withdrawn.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD FITZGERALD AND VESCI. — My Lords, I give notice that I will, on Thursday next, present a petition from the inhabitants of the town of Galway, praying that Galway may be excluded from Schedule A of the Irish Municipal Corporations Bill. I give this notice because a counter statement, as to the sentiments of the inhabitants, has gone forth; and I wish to afford to those who have made it, an opportunity for verifying it, if it be in their power.

EXCHEQUER RECORDS.

LORD MONTEAGLE. — My Lords, I beg to call the attention of the House to the papers which will this day be presented to your Lordships. Your Lordships will find that none of the Exchequer records which have been destroyed by order of the late Comptroller of the Exchequer were of the least importance. They were all examined before they were destroyed; and those that were condemned were, I believe, utterly worthless. The main records of that department have, for a long time, been in a state of great dilapidation, and were kept in a building adjoining your Lordships' House, where they remained until certain alterations rendered their removal necessary. They have been examined, and many of them have been placed before the public in a printed shape. Those that have been destroyed were of a class that had been used as temporary records, and had formerly been sold as waste paper. That practice has been put an end to; and it was considered preferable to destroy the documents, when they were no longer useful.

LORD REDESDALE. — I must still express my sorrow that the papers were destroyed; because, although they might be of little value to the Comptroller of the Exchequer, many persons of an antiquarian turn would be desirous of possessing them at a higher price than that of waste paper. I conceive that there is a very proper and just ground for inquiry, when documents have been destroyed, which might be connected with questions of property.

LORD MONTEAGLE. — I repeat that, before any one single paper was destroyed, a due examination was made by persons considered to be most competent to judge of their worth and value. Of those persons, one has been in the public service for forty-two years, and others ten or twelve years. No papers were destroyed except under their authority; and it was deemed proper that they should be destroyed, lest they might fall into the hands of improper persons.

PAPERS, &c.

Ordered, on the motion of LORD ELLENBOROUGH, That the Registrar General of Births, Deaths, and Marriages do make a Return of the number of persons reported to him to have died of the small-pox, in the year 1839.

Copies of all communications between the Treasury and the Comptroller of the Exchequer, on the subject of certain papers and documents removed from the vaults at Somerset House to the office at Whitehall Yard. — Delivered (pursuant to Address of yesterday), and to be printed.

The LORD CHANCELLOR informed the House, that the clerk assistant had prepared (pursuant to order of the 20th of January last) an account of the number of judgments given in the High Court of Chancery by the Lord Chancellor, during the four years ending 22d November, 1834, which were appealed to the House of Lords; showing the date of presentation of the said appeals, and distinguishing those judgments affirmed from those reversed.

The same was ordered to be printed.

VACCINATION EXTENSION BILL.

LORD ELLENBOROUGH.—My Lords, I beg to say that, in compliance with the suggestion of my Noble Friend (Lord Ashburton), I have prepared a clause to be added to this Bill in its next stage, compelling medical persons to make an annual Return of the number of persons they may inoculate with the small-pox *virus*.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Birmingham Canal Navigations Bill. Petitions against, — from the company proprietors of the Stratford upon Avon nal Navigation ; and company of proetors of the Worcester and Birmingn Canal Navigation. — Referred to the mmittee on the Bill ; counsel ordered.

Taff Vale Railway Bill, — By LORD SOMERSET. — Petition of Richard akemore, Esquire, M.P., against. — ferred to the Committee on the Bill ; unsel ordered.

Glasgow, Paisley, Kilmarnock, and yr Railway Bill. — Petition of Mrs. argaret Harvey and Lieutenant Colonel arvey, against. — To lie on the table.

Glasgow Poor Rate Bill. — Petition of alph Wardlaw, D.D., pastor of the Inpendent Congregational Church, George reet, Glasgow, against. — Referred to e Committee on the Bill.

Norwich Improvement (No. 1.) Bill.— etition of the chairman of a meeting of e commissioners for paving, &c. the ty of Norwich, against. — To lie on the ble.

Wear River Watch Bill. — Petition of e corporation of Sunderland, against. — o lie on the table.

Birmingham and Warwick Junction Bordesley) Canal Bill. — Petition of the mpany of proprietors of the Warwick d Birmingham Canal Navigation, gainst. — To lie on the table, and to be rinted.

South Eastern Railway Bill. — Read a cond time, and committed to SIR EDARD KNATCHBULL and the East Kent st.

Glasgow Poor Rate Bill. — Read a econd time, and committed to Mr. DENISTOUN and the South Scotland list.

Exeter Roads Bill. — Read a second ime, and committed to SIR THOMAS ACAND and the North Devon list.

Perry's Divorce Bill. — Message to the Lords, to request that their Lordships will communicate to this House a copy of the evidence taken before their Lordships on the Bill.

Protestant Dissenters' Assurance Company Bill ; Freethorpe, &c. Inclosure Bill. — Severally read a third time, and passed.

Weston super Mare Road Bill. — Report further considered (prints having been delivered on Wednesday, 11th of March) ; amendments agreed to ; Bill to be ingrossed.

Thames Plate Glass Company Bill.— Reported ; to be ingrossed.

Warminster Roads Bill. — Report further considered (prints having been delivered on Thursday, 7th of March) ; amendments agreed to ; Bill to be ingrossed.

Arbroath and Forfar Railway Bill.— Report further considered (prints having been delivered on Thursday, 12th March) ; amendments agreed to ; Bill to be ingrossed.

CHESTER AND CREWE AND GRAND JUNCTION RAILWAYS CONSOLIDATION BILL.

LORD VISCOUNT SANDON. — I beg to call attention to the case of the Chester and Crewe Grand Junction Railway Bill. The Report was to have been considered this day ; but, according to the Standing Orders, it is necessary that a breviate should be laid on the table of the House the day before the consideration of the Report. Now, in point of fact, the breviate, in this case, was ready yesterday ; but, as the House did not sit, it could not be laid on the table. As the railway is only one of second rate importance, — being merely to unite two railways, — I hope, under the circumstances, the Standing Orders will be so far dispensed with as to allow the consideration of the Report to be taken to-morrow. If not, a week must elapse before the Bill can pass that stage.

Ordered, That the Report be taken into further consideration to-morrow, at five o'clock.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

Corn Laws. — Petition from Saddleworth, for repeal, offered, and, by leave, withdrawn.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Universal Suffrage, &c., — By Mr. Hume, Mr. Lockhart, Mr. Elliot, and other Honourable Members, in favour, — from James Moir; William Whitson; Arthur Robertson; John Ewant; David M'Gregor; Alexander Stewart; Kirkintilloch (chairman of a meeting); cotton spinners in Mr. M'Lean's factory, Gorbals by Glasgow; Robert Gilmor; John Sweanay; James Taylor; William Thom; David Anderson; Thomas Henderson; and Hawick.

Church of England, — By Sir Edward Knatchbull, Captain Alsager, Mr. W. Duncombe, Mr. Cartwright, and other Honourable Members, for extension, — from Marston St. Lawrence; Sulgrave; Chipping Warden; Helmdon; Aston-le-Walls; Thorpe Mandeville; Abdon; Croughton; Aynhoe; Bangor; Therford; Spratton; Towcester; Richmond (Surrey); Upper Hardres and Stelling; Laverton; Dallowgill; Christchurch (Hants); Stourpaine and Stepleton Preston; Hixton; Wheatenhurst; Easton Neston; Avebury and Winterbourne Monkton; Thurdington (two petitions); Whittington; and Evenley.

Church Patronage (Scotland), — By Lord Viscount Morpeth, Mr. Colquhoun (nineteen petitions), Sir J. Graham, Mr. Elliot, and other Honourable Members, for alteration of the law, — from Renfrew; Brownfield; Chalmers's Parish, Glasgow; St. James's Church, Glasgow; Rutherglen; Aberdour; St. David's, Kirkintilloch; Cockburnspath; East Kilpatrick; Kirtle; Maryhill; Stevenston; Abdie; Benholme; Egerton; East and West Rudham; Argyle; Kirkpatrick, Durham; Kettle; Culross; Ducklington cum Hardwick; Kinlochliuchart; Belfast; Monaghan; Crailing, Kelso (moderator); St. Stephen's, Glasgow; St. Thomas's, Glasgow; Tron Parish, Glasgow; Old Monkland; Wigtown; Dunfermline (moderator); Haddington (moderator); Mid Calder; Dalkeith; Strabane; Avendale; and Bar

Church Establishment (Colonies). — By Lord J. Russell, for extension, — from St. Andrew's, New Brunswick, Annapolis, Nova Scotia; and Charlotte Parish, Prince Edward's Island.

East India Produce. — Of the chairman and secretary of the East India Association of Glasgow, for reduction of duties.

By Mr. Goulburn, — of planters, proprietors, and others interested in the British West India colonies, against reduction of duties thereon.

Rating of Tenements, — By Mr. Gunston, — of the chairman of the board of guardians of the Hitchin union, for rating the owners in lieu of the occupiers of cottages of a lower value than 8*l.*

Court of Chancery. — Of William Trueman and others, complaining of delay.

Union Workhouses Bill. — In favour, — from Stow on the Wold union; Chipping Sodbury; Witney union; Thrd union; and Weymouth union.

Ecclesiastical Duties and Revenue Bill, — By Captain Alsager, — from Sawley, in the county of Derby, praying that, in the suppression of sinecure livings, due provision may be made for the minor livings held under that sinecure.

Sale of Beer (No. 2.) Bill, — By Mr. E. J. Stanley, — from Dukinfield, against

County Constabulary Bill, — By Mr. A. White, — from Sunderland, for relieving all boroughs incorporated under the Municipal Corporations Act, from contributing to the rural police force.

Medical Profession. — Of William Simpson, Thomas Henry Cooper, and others, for reform.

Warwick Gaol, — By Mr. T. Duncombe, complaining of the treatment of John Collins and William Lovett, — from Marylebone; and Islington.

Socialism, — For suppression, — from the Lay Association for the Refutation of Infidelity; Newcastle upon Tyne (chair-an); chairman and secretary of the lasgow branch of Rational Religionists; underland (chairman); secretaries of e British and Foreign Seamen and Sol-iers' Friend Society, Wellclose Square; nd Birmingham Lay Association for the efutation of Infidelity.

Poor Law Amendment Act, — By Mr. . Round, for alteration, and praying that e guardians and overseers of the poor ay be allowed to give relief to able-odied paupers, by taking some of their hildren into the workhouse, without re-uiring the parents to go in also, — from aldon union (two petitions); and Dews-ury union.

Corn Laws and Flour Importation (Ire-and) Bill, — By Mr. W. S. O'Brien, — rom Limerick, against the repeal of the orn laws, and against the Flour Import-tion (Ireland) Bill.

Corn Laws, — By Mr. M. Philips (a etition signed by 9000 persons), Mr. M'Taggart, Mr. Hume, Sir G. Strick-and, Mr. Colquhoun, Mr. Elliot, Mr. rote, Lord Viscount Morpeth, and ther Honourable Members, for repeal,— rom Longtown; Pembroke Dock; Fru-hie; Errol; Manchester (two petitions); Taddyport; Monkleigh; Black Torring-on; Parkham; Newchurch in Pendle; Stourport; North Bierley; Burnley; Dodworth; Horbury; Rawdon; Leeds; Marsden; Perth; Wilton; Dalry; Wig-own; Barford; Stirling; Melrose; Bar-ard Castle; Birchworth; Horsforth; Duffield; Kilmarnock; Barnstaple; Pen-icuick; Hazel Grove (Chester); Gol-orne; Mottram in Longdendale; Lich-ield; Dalrymple; and Southam union.

On presenting one of the above peti-ions from a parish in Ireland, —

Mr. HUME said: — This petition has, t least, one peculiarity, — it is written, ot in plain prose, but in verse ——

[Laughter.]

nd the petitioners have, doubtless, adopted hat novel mode, in order the more surely o attract notice to their painful statement which, unfortunately, is too well borne ut by letters I have received), as to the distress prevailing in their part of the ountry.

Corn Laws, — Lord Eliot, Sir E. Knatchbull, Mr. W. Duncombe (forty-five petitions), and other Honourable Members, against repeal,—from Finningley; Braithwell; Brierley; Goldthorpe and Bolton; Arlington and other places; Wadworth; Spotbro'; Bramley; Kirbymoorside; Brodsworth and Picburn; Hovingham; Knapton; Weaverthorpe; Hesterton; Langton; Settrington; Acklam; Molton; Thorpe Bassett; Wintringham; North Grimston; Croome; Scrayingham; Burythorpe; Marr; Hatfield; Kirby Grindalythe; Birdsall; Sherburn; Tickhill; Wharram Percy; Wharram-le-Street; Yedingham; Kirbymisterton; Salton; Huttons Ambo; Bolton upon Swale; Scorton; Whitwell; Kiplin; Ellerton upon Swale; Malling union; Milton union; Charlbury; Wickhambreux; Barton-le-Street; Roscommon; Bardsey; Helpersthorpe; Bramham; Lawshall; and Marlborough.

Maynooth College, — By Mr. Plumptre, Mr. W. Duncombe, and Mr. Cartwright, against further grant, — from Egerton; Conton; Brampford Speke; Drayton in Hales; Saint Thomas the Apostle (London); Dymchurch; Kepworth; Ospringe; Hartland; Cranfield; Heage; Cosgrove; Happisburgh; Dewsbury Moor; and Skelton.

Municipal Corporations (Ireland) Bill, — By Mr. Plumptre, against, — from Brampford Speke; Ingham; Enderby and Whetstone; Kepworth; Happisburgh; and Heybridge.

Metropolis Improvements. — Petition of Peter Jeffery, praying to be heard before the Committee in support of his plans presented to the Committee which sat in the year 1838. — Referred to the Select Committee on Metropolis Improvements.

Inland Warehousing Bill. — Petition of the East and West India Dock Company (presented 21st February).

By Mr. Lascelles, — from Wakefield, in favour.

Referred to the Select Committee on Inland Warehousing.

PRINTED PAPERS BILL.

Mr. FRESHFIELD. — I have to present to the House a petition signed by 757 attorneys and solicitors of the courts of law and equity. They state that they have seen with alarm the proceedings of this House with reference to the cause of

"Stockdale *v.* Hansard." They respectfully submit, that it is the undoubted right of all Her Majesty's subjects, who consider themselves aggrieved by the act of any person whomsoever, to seek for redress in Her Majesty's courts. That all suitors in Her Majesty's courts are entitled to the assistance of their attorney to conduct their cases; and that it is essential to the enjoyment of that right that the attorney should be protected in the lawful discharge of his professional duty. They state, further, that the law has pointed out the proper remedy for an erroneous judgment of the courts, and the constitution has vested in the Legislature the power of altering the law, as may be necessary. But they most respectfully but firmly submit, that the constitution of this country does not recognise in any person or body in the state, not even in this Honourable House, the right to supersede the administration of the law in Her Majesty's courts. They also state that they have heard with deep regret, that an attorney has incurred the displeasure of this Honourable House, and been committed to prison, because he has acted as attorney of a party in an action in which it was supposed that a privilege claimed by the House might be called in question. The petitioners, without expressing an opinion on any privilege claimed by this Honourable House, or on the conduct of any of the parties who have incurred its displeasure, beg leave respectfully to submit, that the imprisonment of an attorney, for acting in his professional capacity, in accordance with the decision of Her Majesty's courts of law, is most dangerous to the rights and independence of their — the petitioners' — profession, and to the due administration of justice. The petitioners conclude with these words: — "They humbly pray your Honourable House, that, while taking such measures for securing the privileges which the constitution has given you for the benefit of the people, as in your wisdom you may think right, will not sanction any act which may be injurious to the rights of your petitioners, or interfere with the independence and dignity of the law, and the free administration of justice."

The petition was then ordered to lie on the table.

SIR R. H. INGLIS. — I have, Sir, to call the attention of the House to a petition from the printers and publishers of the *Times* and *Morning Post* newspapers, in which they take notice of the Bill now before the House for giving protection to servants of the House for printing and publishing its Reports of Committees and other documents. The petition is as follows: —

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED.

The humble petition of John Joseph Lawson, of No. 26. Newington Crescent, in the parish of St. Mary, Newington, in the county of Surrey, printer, and Thomas Payne, of No. 23. Pembroke Square, Kensington, in the county of Middlesex, printer,

Showeth, — That your petitioners are printers and publishers of certain newspapers published daily in London, and severally entitled the *Times* and the *Morning Post*, and are responsible for the contents of those papers.

That, to the conducting, in an adequate and efficient manner, the business in which your petitioners are engaged, and which consists in diffusing as widely as possible throughout the United Kingdom and its dependencies the fullest and most accurate information they can procure in relation to all affairs of public interest, it is indispensably necessary, upon occasions of frequent recurrence, that your petitioners should reprint and republish in their respective newspapers the whole or selected portions of Reports and other documents previously printed and published by order of your Honourable House.

That the utility of such Reports and documents depends, in a great degree, on their receiving publication through the medium of the public press.

That your petitioners are liable to prosecution by indictment or information, as well as to actions at law, for the recovery of damages, so often as anything contained in the Reports or other documents first printed and published by order of your Honourable House, and subsequently reprinted and republished by them, may be deemed by any individual whatever to reflect in any manner upon his character, or to be in any degree injurious to his private interests.

That your petitioners are apprehensive, if legislative protection against such prosecutions or actions at law be given exclusively to the original printers and publishers of parliamentary Reports or other documents connected with parliamentary proceedings, that prosecutions or actions at law against your petitioners, who are often compelled, in the regular and ordinary course of their business, to reprint and republish the same, may thereby be rendered more frequent, vexatious, and oppressive.

Your petitioners therefore humbly pray your Honourable House that you will not pass any Act having for its object or effect to prevent prosecutions or actions at law against the original printers or publishers of parliamentary Reports or other documents, unless such Act shall contain a clause or clauses to prevent, in like manner, prosecutions or actions against your petitioners, and the registered proprietors of the said newspapers, for reprinting and republishing the same in whole or in part.

And your petitioners will ever pray, &c.

I do not intend to move to have the petition printed with the Votes, but I will give notice that if no other Member should take the matter up, I will, in a future stage of the Bill, move the addition of clauses to the effect prayed for in the petition.

The petition was then ordered to lie on the table.

CHINA.— OPIUM TRADE.

Mr. LOWTHER and other Honourable Members presented petitions for suppression of the opium trade,—from Sunderand; York; and Stockton upon Tees.—To lie on the table.

Mr. W. CRAWFORD.—I have also o present a petition from merchants and other persons interested in the trade with China. The petitioners describe the state of the opium trade with China, and particularise the circumstances attending he surrender to the British superinendent, to be delivered to the Government of China, of all opium belonging to he British merchants at Canton. They pray that the House will cause an inquiry o be instituted into the statements of the petition, which they are prepared to subtantiate by evidence, either at the bar or before a Committee. I beg to move, hat the petition be printed, and circulated with the Votes, as I propose, on a future ccasion, to found a motion upon it.

The petition was ordered to lie on the able, and to be printed.

RETURNS, PAPERS, &c.

Registrar of Deeds, Middlesex.—Reurn presented—of amount of fees reeived from 1824 to the present time, &c. ordered 26th February).

Penitentiary, Millbank.—Annual Report of the Superintending Committee resented (by Act).

Common Law Courts.—Returns prented—of number of actions commenced the Court of Queen's Bench, and other returns relating to the business of that Court (ordered 27th February).

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Shrewsbury and Holyhead Road.—nnual Report of Commissioners prented (by Act).

Severally ordered to lie on the table.

China Trade.—On the motion of SIR J. GRAHAM, Return ordered—

Of the declared value of the exports from the United Kingdom to China in each of the years 1828, 1829, 1830, 1831, and 1832:

A similar Return in each of the years 1834, 1835, 1836, 1837, 1838, and 1839:

Return of the quantity of specie annually exported from the United Kingdom to China within the same periods.

County Constabulary Act.—On the motion of LORD G. SOMERSET, Address for—

Account (so far as it can be made out) of the estimated charge to which each county, or district of a county, which has adopted the provisions of the Act 2 & 3 Vic. c. 93. (the Constabulary Act), will be respectively subjected for the establishment and annual maintenance of the constabulary force:

Of the county rate levied in each such county or district in each year, in the years ending Michaelmas, 1837, 1838, and 1839; specifying the rate in the pound which has been levied to raise the several amounts:

Of the estimated sums which must be annually raised to provide for the charges of the constabulary force in each county or district; specifying the additional rate in the pound which it will be necessary in each county or district to impose, for the purpose of raising the amount which it is expected will be required for the object.

Public Petitions Committee.—Fifteenth Report brought up, and read.—To lie on the table, and to be printed.

Assizes.—Return presented—of the number of petitions or memorials to the Privy Council praying an alteration or removal of the assizes (Address 21st February).—To lie on the table.

ORDNANCE RETURNS.

SIR H. HARDINGE.—I wish to know when the Returns for which I moved some days ago, relative to the barrack department, will be laid on the table?

SIR H. VIVIAN.—I hope I shall be able to lay them on the table of the House in a few days.

LEAVE OF ABSENCE.

To Mr. LITTON, till Easter,—urgent private business.

NEW WRIT.

For Inverness-shire, on the motion of SIR T. FREMANTLE, in the room of Francis William Grant, Esquire, deceased.

morrow. If not, a week must elapse before the Bill can pass that stage.

Ordered, That the Report be taken into further consideration to-morrow, at five o'clock.

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MISCELLANEOUS PETITIO

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Of the county rate levied in each such county or district in each year, in the years ending Michaelmas, 1837, 1838, and 1839; specifying the rate in the pound which has been levied to raise the several amounts:

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LEAVE OF ABSENCE.

To Mr. Litton, till Easter, — urgent private business.

NEW WRIT.

For Inverness-shire, on the motion of Sir T. Fremantle, in the room of Francis William Grant, Esquire, deceased.

"Stockdale *v.* Hansard." They respectfully submit, that it is the undoubted right of all Her Majesty's subjects, who consider themselves aggrieved by the act of any person whomsoever, to seek for redress in Her Majesty's courts. That all suitors in Her Majesty's courts are entitled to the assistance of their attorney to conduct their cases; and that it is essential to the enjoyment of that right that the attorney should be protected in the lawful discharge of his professional duty. They state, further, that the law has pointed out the proper remedy for an erroneous judgment of the courts, and the constitution has vested in the Legislature the power of altering the law, as may be necessary. But they most respectfully but firmly submit, that the constitution of this country does not recognise in any person or body in the state, not even in this Honourable House, the right to supersede the administration of the law in Her Majesty's courts. They also state that they have heard with deep regret, that an attorney has incurred the displeasure of this Honourable House, and been committed to prison, because he has acted as attorney of a party in an action in which it was supposed that a privilege claimed by the House might be called in question. The petitioners, without expressing an opinion on any privilege claimed by this Honourable House, or on the conduct of any of the parties who have incurred its displeasure, beg leave respectfully to submit, that the imprisonment of an attorney, for acting in his professional capacity, in accordance with the decision of Her Majesty's courts of law, is most dangerous to the rights and independence of their — the petitioners' — profession, and to the due administration of justice. The petitioners conclude with these words: — "They humbly pray your Honourable House, that, while taking such measures for securing the privileges which the constitution has given you for the benefit of the people, as in your wisdom you may think right, will not sanction any act which may be injurious to the rights of your petitioners, or interfere with the independence and dignity of the law, and the free administration of justice."

The petition was then ordered to lie on the table.

SIR R. H. INGLIS. — I have, Sir, to call the attention of the House to a petition from the printers and publishers of the *Times* and *Morning Post* newspapers, in which they take notice of the Bill now before the House for giving protection to servants of the House for printing and publishing its Reports of Committees and other documents. The petition is as follows: —

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED.

The humble petition of John Joseph Lawson, of No. 26. Newington Crescent, in the parish of St. Mary, Newington, in the county of Surry, printer, and Thomas Payne, of No. 23. Pembroke Square, Kensington, in the county of Middlesex, printer,

Showeth, — That your petitioners are printers and publishers of certain newspapers published daily in London, and severally entitled the *Times* and the *Morning Post*, and are responsible for the contents of those papers.

That, to the conducting, in an adequate and efficient manner, the business in which your petitioners are engaged, and which consists in diffusing as widely as possible throughout the United Kingdom and its dependencies the fullest and most accurate information they can procure in relation to all affairs of public interest, it is indispensably necessary, upon occasions of frequent recurrence, that your petitioners should reprint and republish in their respective newspapers the whole or selected portions of Reports and other documents previously printed and published by order of your Honourable House.

That the utility of such Reports and documents depends, in a great degree, on their receiving publication through the medium of the public press.

That your petitioners are liable to prosecution by indictment or information, as well as to actions at law, for the recovery of damages, so often as anything contained in the Reports or other documents first printed and published by order of your Honourable House, and subsequently reprinted and republished by them, may be deemed by any individual whatever to reflect in any manner upon his character, or to be in any degree injurious to his private interests.

That your petitioners are apprehensive, that if legislative protection against such prosecutions or actions at law be given exclusively to the original printers and publishers of parliamentary Reports or other documents connected with parliamentary proceedings, that prosecutions or actions at law against your petitioners, who are often compelled, in the regular and ordinary course of their business, to reprint and republish the same, may thereby be rendered more frequent, vexatious, and oppressive.

Your petitioners therefore humbly pray your Honourable House that you will not pass any Act having for its object or effect to prevent prosecutions or actions at law against the original printers or publishers of parliamentary Reports or other documents, unless such Act shall contain a clause or clauses to prevent, in like manner, prosecutions or actions against your petitioners, and the registered proprietors of the said newspapers, for reprinting and republishing the same in whole or in part.

And your petitioners will ever pray, &c.

I do not intend to move to have the petition printed with the Votes, but I shall give notice that if no other Member should take the matter up, I will, in a future stage of the Bill, move the addition of clauses to the effect prayed for in the petition.

The petition was then ordered to lie on the table.

CHINA. — OPIUM TRADE.

Mr. LOWTHER and other Honourable Members presented petitions for suppression of the opium trade, — from Sunderland; York; and Stockton upon Tees. — To lie on the table.

Mr. W. CRAWFORD. — I have also to present a petition from merchants and other persons interested in the trade with China. The petitioners describe the state of the opium trade with China, and particularise the circumstances attending the surrender to the British superintendent, to be delivered to the Government of China, of all opium belonging to the British merchants at Canton. They pray that the House will cause an inquiry to be instituted into the statements of the petition, which they are prepared to substantiate by evidence, either at the bar or before a Committee. I beg to move, that the petition be printed, and circulated with the Votes, as I propose, on a future occasion, to found a motion upon it.

The petition was ordered to lie on the table, and to be printed.

RETURNS, PAPERS, &c.

Registrar of Deeds, Middlesex. — Return presented — of amount of fees received from 1824 to the present time, &c. (ordered 26th February).

Penitentiary, Millbank. — Annual Report of the Superintending Committee presented (by Act).

Common Law Courts. — Returns presented — of number of actions commenced n the Court of Queen's Bench, and other Returns relating to the business of that Court (ordered 27th February).

Return presented — of number of actions commenced in the Court of Exchequer of Pleas, &c. (ordered 27th February).

Shrewsbury and Holyhead Road. — Annual Report of Commissioners presented (by Act).

Severally ordered to lie on the table.

China Trade. — On the motion of SIR J. GRAHAM, Return ordered —

Of the declared value of the exports from the United Kingdom to China in each of the years 1828, 1829, 1830, 1831, and 1832:

A similar Return in each of the years 1834, 1835, 1836, 1837, 1838, and 1839:

Return of the quantity of specie annually exported from the United Kingdom to China within the same periods.

County Constabulary Act. — On the motion of LORD G. SOMERSET, Address for —

Account (so far as it can be made out) of the estimated charge to which each county, or district of a county, which has adopted the provisions of the Act 2 & 3 Vic. c. 93. (the Constabulary Act), will be respectively subjected for the establishment and annual maintenance of the constabulary force:

Of the county rate levied in each such county or district in each year, in the years ending Michaelmas, 1837, 1838, and 1839; specifying the rate in the pound which has been levied to raise the several amounts:

Of the estimated sums which must be annually raised to provide for the charges of the constabulary force in each county or district; specifying the additional rate in the pound which it will be necessary in each county or district to impose, for the purpose of raising the amount which it is expected will be required for the object.

Public Petitions Committee. — Fifteenth Report brought up, and read. — To lie on the table, and to be printed.

Assizes. — Return presented — of the number of petitions or memorials to the Privy Council praying an alteration or removal of the assizes (Address 21st February). — To lie on the table.

ORDNANCE RETURNS.

SIR H. HARDINGE. — I wish to know when the Returns for which I moved some days ago, relative to the barrack department, will be laid on the table?

SIR H. VIVIAN. — I hope I shall be able to lay them on the table of the House in a few days.

LEAVE OF ABSENCE.

To Mr. LITTON, till Easter, — urgent private business.

NEW WRIT.

For Inverness-shire, on the motion of SIR T. FREMANTLE, in the room of Francis William Grant, Esquire, deceased.

HOUSE OF LORDS, Martis, 17° die Martii, 1840.

APPEALS.

Neilson *v.* Mrs. Jean Donald (or Cochrane). — Further and fully heard, and consideration adjourned to Thursday next.

Munro *v.* Munro. — In part heard, and adjourned to Thursday next.

Charter *v.* Sir John Trevelyan. — Petition of the respondent for further time to lodge cases, read, and referred to the Appeal Committee.

Galwey *v.* Barron. — Appeal presented, and respondent ordered to answer in five weeks.

APPEAL COMMITTEE.

Second Report from, read, and agreed to, and ordered accordingly.

FREETHORPE INCLOSURE BILL. — PROTESTANT DISSENTERS' ASSURANCE COMPANY BILL.

Brought from the Commons, and read a first time.

MANCHESTER AND SALFORD CANAL BILL.

Read a second time, and committed for Friday next.

KENNET AND AMESBURY ROAD BILL.

Read a second time, and committed for Thursday next.

LLOYD'S DIVORCE BILL.

Read a third time (according to order), and passed, and sent to the Commons.

GARBOLDISHAM INCLOSURE BILL.

Reported, without amendment.

PERRY'S DIVORCE (INDIA) BILL.

Message from the Commons for depositions transmitted from India; and the depositions ordered to be communicated accordingly.

MARCHMONT PEERAGE.

The masters reported, "That the Commons had given leave to the Right Honourable Sir George Henry Rose (a Member) to attend the Committee for Privileges."

HORSE-RACING ACT IN PART REPEAL BILL.

Returned from the Commons, agreed to.

ADMINISTRATION OF JUSTICE BILL.

To be read a second time on Friday next; and the Lords summoned.

SCOTCH CHURCH PATRONAGE.

The EARL of GALLOWAY. — My Lords, I hold in my hand petitions in support of the non-intrusion principle, from the inhabitants of Kirkpatrick, Loss, Crossmichael, and Mid Calder. I will take this opportunity, not having been so fortunate as to be in the House during the conversation which took place on non-intrusion yesterday, to trouble your Lordships with a few observations. I have learnt, from the ordinary channels of information (I hope, correctly), that a Noble Earl (Earl of Aberdeen) stated that he had received letters of remonstrance from various parts of Scotland for having advised the Government to delay the settlement of the Church question; and he explained that, so far from having advised, he had rather blamed, the Government for the delay which had taken place; but that he had urged on Her Majesty's Ministers, if they had thus far postponed the consideration of the subject, not to be induced to come to a rash and precipitate decision at last, which, instead of being accessory, might be prejudicial, to the final and proper settlement of the question. Now, it so happens that these observations fell from the Noble Earl the same day that I thought it my duty, in consequence of the representations which I had received from Scotland, to urge on the Government not to allow another month to pass without an endeavour to effect some satisfactory settlement. I do not say that the Noble Earl was induced, by what fell from me, to make the observations attributed to him; but it so fell out, that the Noble Earl's recommendation of delay followed, in point of time, immediately upon my request for expedition. Wherefore, in my own defence, I wish to state some of the reasons which induced me to urge the subject on the attention of Ministers. First, I remembered that the Government had had six months for consideration, — that time and more having elapsed since the collision between the Church and the civil courts; next, I remembered the conduct of the Government on the subject of church extension in Scotland; I remembered the professions made by Her Majesty's Ministers, the appointment of the Commission of Inquiry, the Reports which were prepared, and how, after all, the matter was staved off from month to month, and from year to year, until, finally, having served its purpose, — the purpose of the Government, but not of the people, — it was abandoned. Then I remembered that the settlement of this question was the prayer of the bulk of the petitions which have been laid on your Lordships' table, many of which I have myself had the honour of presenting; and, lastly, I was of opinion that if this question was to be discussed in Parliament, it was very desirable that the discussion should take place before the House should separate for the Easter recess. These reasons form my excuse for having urged the Government to take the subject in hand. Nevertheless, my respect for the superior information and experience of the Noble Earl (Earl of Aberdeen),—my respect for his talents, his judgment, and his general position in this House, — looking to him, while the Government neglects its duty, as the leader on this important Scotch question, induced me to hold my peace, and silently and respectfully to acquiesce in his views. But now another month has passed, and the Government are unprepared to say, not only what they will do, but whether they will do anything at all. Meanwhile, there are in Scotland, "wars and rumours of wars;" the country is rent by dissensions from end to end; and, I regret to add, that some of the clergy, apparently forgetting their sacred office, have taken a leaf from the book of the Roman Catholic priesthood of Ireland; and agitation is going on in a form and spirit unworthy of the sacred calling of those who are engaged in it. I do not say this of all the clergy; my respect is too great for that enlightened body; and I know many of them, even of the anti-intrusionists, who, although disapproving of the decisions of the civil courts, still deplore the conduct of those brethren in the ministry to whom I have alluded. But the peace of parishes has been disturbed; the feelings of amiable and excellent individuals have been wounded and lacerated; and dissension has been fomented between pastors and their flocks. I have been repeatedly requested again to urge the Government to endeavour to pacify the country; but I have abstained from doing so, partly because I believed my efforts would be useless, and partly because I did not feel myself competent to the task, which more properly belongs to Noble Lords near me. I will therefore sit down with the simple expression of my own conviction, that the longer this question remains unsettled, the more difficult it will become of solution and adjustment.

The MARQUESS of LANSDOWNE. My Lords, I cannot let the observations — of the Noble Earl, or what might be implied from the language used by another Noble Earl, to go forth, without stating that neither the Noble Earl who has just addressed your Lordships, nor the other Noble Earl to whom allusion has been made, is justified in supposing that, because the Government have delayed to bring forward a measure on this important subject, there has been any delay whatever in its consideration. So far from it, the fact is, that consideration was given to it at a very early period; and it is only the great importance of the question, and the very circumstances which the Noble Earl has stated, as to its difficulty, that have prevented the Government from bringing a measure forward. Your Lordships must feel that the circumstances stated by the Noble Earl himself, in his short speech, are, of themselves, enough to make us dread precipitation. And, I must add, that I would much rather incur, on the part of the Government, the reproach, according to the expression of the Noble Earl (Lord Aberdeen), of delay, than that of launching precipitately upon the question, without an opportunity of making ourselves previously acquainted with all the opinions, feelings, and views that prevail in Scotland with respect to it. I am convinced that, if we took such a course, so far from allaying, it would materially aggravate those asperities of feeling on this subject which now unfortunately prevail in Scotland. My Lords, having stated thus much, it is not my intention to offer any opinion on the subject; nor would I advert to the assertion of the Noble Earl that the Scotch clergy have followed up the principle and practice of the Roman Catholic Church on this occasion; because I could not do so without entering into a discussion that could produce no benefit, and which had, therefore, be better deferred till the whole question shall come formally before your Lordships. I can repeat for my Noble Friend what he has stated for himself, that he will immediately give notice when the Government are prepared to introduce a measure adapted to remedy the evils and inconveniences which the Noble Earl has described; and he will give that notice in a manner so distinct, as to make the country fully aware of the intentions of Government, and to enable your Lordships carefully to consider the measure itself; or, if you disapprove of it, the arrangement, in point of time, will allow you to substitute another. Standing on that ground, I shall abstain from remarking further on the observations of the Noble Earl.

The EARL of GALLOWAY. — My Lords, I am much pleased that what I have said has elicited a more explicit declaration of the intentions of Government than has heretofore been given. I am, however, anxious to prevent a mistake going abroad with respect to what I said relative to the Scotch clergy, and which has been misunderstood by the Noble Marquess. I was far from charging against the clergy of the Church of Scotland that which the Noble Marquess appears to suppose that I did. On the contrary, I specially stated that I had the greatest respect for them, generally; but, I added, that I know, of my own knowledge, that some members of that Church have resorted to practices, in the course of this dispute, which were very much like those adopted by the Roman Catholic priesthood.

The EARL of ABERDEEN. — The statement of the Noble Marquess is so far satisfactory; because it appears, from it, that Government will introduce a measure.

The MARQUESS of LANSDOWNE. — I did not say that.

The EARL of ABERDEEN. — Well, then, I suppose I am mistaken. But, at any rate, I would suggest, that, in taking ample time to consider any measure, — if a measure is to be proposed, — it will be right to keep in view a very important event, with reference to the fate of such a measure — I allude to the meeting, early in the month of May, of the General Assembly. It is of essential importance, if a measure on this subject be introduced, that it should be considered by Parliament before that meeting; and if the Noble Viscount delay his measure until after Easter, the interval between that and the May meeting will hardly allow of full consideration. I throw out this suggestion only to remind the Noble Marquess that great inconvenience will be experienced, if Government introduce a measure into Parliament, and then leave it suspended until after that meeting shall have taken place.

The MARQUESS of LANSDOWNE. — I did not state that Government had decided that any measure would be introduced by them; but that, if they should decide to introduce one, ample notice would be given on the subject; and, if not, that full opportunity would be given for the introduction of a measure by others.

POOR LAW AMENDMENT ACT.

Petition for alteration of, as relates to the better attendance of medical men upon the poor, and suggesting various propositions the better to attain that object, — of the medical and surgical practitioners of the city of Gloucester. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The Marquess of Bute and the Earl of Haddington presented petitions in favour of the principle of non-intrusion from the minister, elders, and deacons of the Scots Church at London Wall, in the City of London; from the presbytery of Kelso; from the Presbyterian Church at Saintfield. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The Earl of Galloway and Lord

itzgerald and Vesci presented petitions gainst,—from inhabitants of Eardisland; ngham; and Llanfechain; and a petition rom the mayor, sheriffs, burgesses, and thers of the town and county of the own of Drogheda, praying that their ights, privileges, and immunities may be rotected. — Read, and ordered to lie on he table.

MAYNOOTH COLLEGE.

The Earl of Galloway presented petitions against any further grant of money or the support of, — of inhabitants of ngham; Eardisland; Ipplepen; and Llanfechain.

Lord Redesdale presented a petition or the appointment of a Committee to nquire into the studies and discipline of he college,—from Protestant inhabitants f Norfolk and Norwich.

Read, and ordered to lie on the table.

CORN LAWS.

The Marquess of Westminster and Lord Redesdale presented petitions gainst the repeal of, — from owners and ccupiers of lands in the parishes of White Waltham and Shottesbrook; and hundred of Bampton; from landowners, farmers, and others, of Modbury; Blackawton; Stokenham; and Marlborough; and from the agriculturists and others of Newton St. Cyres. — Read, and ordered to lie on the table.

PROTESTANT EMIGRATION.

The DUKE of ARGYLL.—My Lords, I have to present to your Lordships a petition from the members of the Glasgow Protestant Emigration Society, stating their want of employment, and praying to be enabled to proceed to Upper Canada, where they may be allowed a grant of land. I will take this opportunity to inquire whether Government has received any information of recent proceedings of the House of Assembly of Upper Canada, with respect to Crown lands?

VISCOUNT MELBOURNE. — An Address of the Legislative Assembly has been received, one paragraph of which adverts to the propriety of appropriating part of the Crown lands to the encouragement of emigration. The Address will be laid on the table with other papers.

Petition read, and ordered to lie on the table.

FOREIGN FLOUR.

The MARQUESS of LONDONDERRY. — My Lords, a petition has been forwarded to me, of a very important nature; and I am sure that when I state to your Lordships that it comes from the high sheriff and grand jury of the county of Down, a body of men not surpassed by any similar body in the empire for property and intelligence, it will be considered by your Lordships to be worthy of the most grave attention. The petitioners allude to a measure now passing through another place, for the importation of foreign flour into Ireland; which measure they state to be fraught with ruin to the agricultural interests of Ireland. It is true that, according to the forms of the House, I cannot properly present the petition at the present moment; but having received it to-day, I considered myself justified in introducing it at once to your Lordships' notice. With these observations, I will, with your Lordships' permission, withdraw the petition, and present it when the Bill to which it refers comes regularly before the House.

Petition withdrawn.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD FITZGERALD AND VESCI. — My Lords, I give notice that I will, on Thursday next, present a petition from the inhabitants of the town of Galway, praying that Galway may be excluded from Schedule A of the Irish Municipal Corporations Bill. I give this notice because a counter statement, as to the sentiments of the inhabitants, has gone forth; and I wish to afford to those who have made it, an opportunity for verifying it, if it be in their power.

EXCHEQUER RECORDS.

LORD MONTEAGLE. — My Lords, I beg to call the attention of the House to the papers which will this day be presented to your Lordships. Your Lordships will find that none of the Exchequer records which have been destroyed by order of the late Comptroller of the Exchequer were of the least importance. They were all examined before they were destroyed; and those that were condemned were, I believe, utterly worthless. The main records of that department have, for a long time, been in a state of great dilapidation, and were kept in a building adjoining your Lordships' House, where they remained until certain alterations rendered their removal necessary. They have been examined, and many of them have been placed before the public in a printed shape. Those that have been destroyed were of a class that had been used as temporary records, and had formerly been sold as waste paper. That practice has been put an end to; and it was considered preferable to destroy the documents, when they were no longer useful.

LORD REDESDALE.—I must still express my sorrow that the papers were destroyed; because, although they might be of little value to the Comptroller of the Exchequer, many persons of an antiquarian turn would be desirous of possessing them at a higher price than that of waste paper. I conceive that there is a very proper and just ground for inquiry, when documents have been destroyed, which might be connected with questions of property.

LORD MONTEAGLE. — I repeat that, before any one single paper was destroyed, a due examination was made by persons considered to be most competent to judge of their worth and value. Of those persons, one has been in the public service for forty-two years, and others ten or twelve years. No papers were destroyed except under their authority; and it was deemed proper that they should be destroyed, lest they might fall into the hands of improper persons.

PAPERS, &c.

Ordered, on the motion of Lord Ellenborough, That the Registrar General of Births, Deaths, and Marriages do make a Return of the number of persons reported to him to have died of the small-pox, in the year 1839.

Copies of all communications between the Treasury and the Comptroller of the Exchequer, on the subject of certain papers and documents removed from the vaults at Somerset House to the office at Whitehall Yard.—Delivered (pursuant to Address of yesterday), and to be printed.

The Lord Chancellor informed the House, that the clerk assistant had prepared (pursuant to order of the 20th of January last) an account of the number of judgments given in the High Court of Chancery by the Lord Chancellor, during the four years ending 22d November, 1834, which were appealed to the House of Lords; showing the date of presentation of the said appeals, and distinguishing those judgments affirmed from those reversed.

The same was ordered to be printed.

VACCINATION EXTENSION BILL.

LORD ELLENBOROUGH.—My Lords, I beg to say that, in compliance with the suggestion of my Noble Friend (Lord Ashburton), I have prepared a clause to be added to this Bill in its next stage, compelling medical persons to make an annual Return of the number of persons they may inoculate with the small-pox *virus*.

Adjourned.

exchanging gold for copper. So disunited are the members of the Liberal Club, that their numbers give no real strength. With us, it is exactly the reverse.

The club, then, it appears, knew their real strength; and I think that, happily, they have but little to fear. Honourable Members opposite have a majority in the House, and they claim, therefore, I suppose, the privilege of putting down an association of this sort. Now, no one is a more strenuous supporter of privilege than I am; but I really cannot agree to extend privilege to this case. Seriously, however,—have Honourable Members opposite, before they put forward their bargain that the instant the Peel Club shall be abolished, the Liberal Club shall also be dissolved, — have they fully calculated their strength to enforce that bargain? How is it that they have not come down to inquire into the constitution of the Peel Club at its first formation, but, instead of that, have inrolled themselves of the Liberal Club? Far from this, it was not till they found that the Liberal Club was incapable of effecting their purposes, — it was not till they found that the principal men of the university were against them, and that they could do nothing against the Peel Club, that they said, "Let us get as great a majority on this question as we can, and so effect, by means of Parliament, what we cannot effect by our own strength." I ask, then, is it wise, — is it liberal — in the House, to descend to such measures? Where is it to end? Might not the next step be, to forbid clergymen interfering at elections? We find that, in Perthshire, one set of clergymen supported the Whig candidate, and another, who deprecated agitation, supported the Conservative; but, is it not one of the distinctive marks of a free country, to allow of the free expression of opinion, to take the advantages and the disadvantages of such a course together? It will be allowed that we must permit free discussion in this country; and nothing is more unwise, nothing more intolerant, than, for the purpose of controlling those who may be politically opposed to us, to interfere with freedom of discussion, whenever that freedom tends against our particular views. It is surely intolerance in those who are the advocates of free opinions, to say that, in the case of one university, freedom of discussion should not be permitted, and to choose to fix upon that university, because it contains a political body, having the right of electing its lord rector. For my own part, I feel very much flattered by this debate; because it calls to mind recollections of my own election as lord rector, — for that election I regard as one of the proudest events of my political life. It is true, that I avoided allusions to politics in my address to the university; but I did, while there, address some observations on political topics to one of the largest assemblies that I have ever been present at; and I never hear, without grateful recollections of the honours that were paid to me there, of the city of Glasgow; and I shall always hold the citizens of it in the highest respect. I wish for nothing more than to examine into the whole working of the Peel Club, and I can assure the Honourable Member that I have practised the greatest self-denial in refraining from seconding his motion. Most reluctantly, in consideration of my duties as a Member of Parliament, have I been withheld from seconding the Honourable Gentleman. If this inquiry should take place, in that part of it which will relate to the convivial meetings of the club, probably the character of the toasts usually given will be an object of interest. I may mention one. Everybody must feel that the character of a toast, at a public meeting, is partly dependent on the song which follows it. I find that the treasury of this club is very prosperous; and, on the occasion of the treasurer's health being drunk, the air was "Money in both pockets."

[Laughter.]

Perhaps the contrast between their treasury and that of their opponents has suggested an offensive interpretation to the toast. But why limit this inquiry to one university? Having acquiesced so long in the election of the lord rectors by the students, you must expect to find, in the university of Glasgow, as elsewhere, the usual concomitants of elections. Of course there must be political associations for the purpose of carrying those elections. If it be wrong for the university of Glasgow to have associations of this nature, is it not wrong for Eton to have them? Is it not wrong to have anything of the sort in the English universities? There is a Pitt Club and a Fox Club, I believe, at Cambridge; — will you tolerate them? But the Honourable Member says, he does not object to any but exclusive clubs. I would advise him to withdraw his objection altogether, because it is, in fact, nothing more nor less than an attempt to establish a censorship over the convivial meetings of the people. It is better to avoid these attempts, — it is better not to begin them. Are there not, in every election of Members to this House, some excesses; and do we not overlook these? Is it not the wiser part to be content to take the advantages and disadvantages of freedom together? Is it not by the free conflict of opinion,—by the waving of the blue flag here and the yellow flag there,—that, on the whole, political freedom is obtained? I trust the House will not be prevailed upon, after so long an acquiescence in this system, to turn round, now, because different politics from those which have hitherto prevailed are in the ascendant in the university; and to establish what, I believe, must give a fatal precedent of an inquisition into the convivial meetings, toasts, and sentiments of political bodies.

Mr. FOX MAULE.—My Honourable Friend will bear me witness that I have endeavoured to dissuade him from bringing on this motion; still, however, it is but justice to say, that the Honourable Member cannot have brought it on with any feelings of opposition; because the Liberal Club has not yet had an opportunity of showing its strength. I deprecate the inquiry, as inconsistent with the duties of the House; but, at the same time, I will not say that good may not arise from this discussion. Because, Honourable Members must bear in mind, that, after all, the University of Glasgow, consisting, as it does, of youth of very tender age, is but little removed from the character of an ordinary seminary in this country, though persons of more advanced years sometimes become students. I, for one, object to their having the right of electing their lord rector;——

[Laughter, and cries of "Oh!"]

but, with respect to this club, I wish to say, that, if the purpose of its institution had been merely to commemorate the election of the Right Honourable Baronet as lord rector, I, as a native of Scotland, should have looked on it with feelings of pride; because I am always glad to see my countrymen pay respect to eminent men, no matter what may be their politics; but, constituted as it is, I cannot approve of it. The Peel Club, on its establishment, was the first instance, I believe, in which the professors of the university mixed in the same club with the students; and I would ask whether great inconvenience and injury must not arise from this? Might not the professor's feelings of partiality be carried into his class-room? Might he not possibly feel more interest in advancing those students who belonged to his own club, and less interest in advancing others? It would be well for the professors to think of this. Deprecating, as I do, these political contests in schools, I think that they cannot well be helped in the University of Glasgow, at present; but I hope, at least, that the professors will retire from these clubs, and not be found keeping up among the students, by means of them, that excitement of political feelings, from week to week, which, before this establishment, was only a biennial inconvenience.

Mr. WALLACE.—The Right Honourable Baronets opposite have not shown, in their own speeches, much fear of wasting the time of the House; it is only when I attempt to speak, that they become so economical of it. The Right Honourable Member for Pembroke saved the time of the House in rather a singular way, by avoiding any allusion to the topics touched on in my speech. He never said one word about the professors, nor about the boys of eleven years old;—not one word about allowing children of such tender years to be present at the scenes usual at convivial meetings. Now, these two points formed the grounds of my complaint. We have now heard, from two lord rectors, that they approve of boys forming these clubs; and I have no doubt the admission will go far to teach parents the danger of sending their children to the university. I admit that I was told by the Honourable Under Secretary of State that he did not see how I could get this Return; but that was not any reason why I should not try. I know that this motion will be unsuccessful, but I will not relinquish my object. If any vote of money shall be brought forward in this House for Glasgow University, I shall feel it my duty to move, as an amendment, that it is highly discreditable in the professors of that university to allow political meetings to be held in the Greek and Logic class-rooms, and to join in the proceedings of such meetings. I beg leave, Sir, to withdraw the motion.

SIR JAMES GRAHAM.—Before the question is put, I beg to state that it is true, that the first meeting of the Peel Club was held in the Logic class-room; but that, from that time to the present, there has never been a political meeting held within the college walls.

Motion, by leave, withdrawn.

PAPERS, &c.

China.—Copies presented—of additional correspondence relating to China (by command).—To lie on the table.

Prussian Commercial Union. — Copy resented — of Report of Dr. John Bowing (by command).—To lie on the table.

THE IONIAN ISLANDS.

LORD C. FITZROY. — Sir, I rise to nove for a "copy of the despatch to the ord High Commissioner of the Ionian slands, from the Colonial Office, conveyng an order for the dissolution of the egislative Assembly of those islands, in ctober last, on account of a difference etween that body and the Senate, relaive to the 8th article, 3d section, chap. ., of the constitution, under which the Legislative Assembly claimed a right, ndependent of the Senate." Article 8. ection 3. chapter 6. says that, —

> Whereas, in the preceding article, provision s made for establishing a temporary court of ustice, denominated the Supreme Council of Justice of the United States of the Ionian Islands, and for maintaining the same till such ime as new codes of civil and criminal law nd procedure can be framed and adopted; and which provision operates, for the time being, as reservation, to a future period, of the adjusting the final constitution in these states, as ar as regards the judicial authority within the ame; it is hereby declared, that whenever such ivil and criminal codes and procedure shall be ramed, or when the three years shall have expired for which the Supreme Council of Justice s established, the Legislative Assembly of these tates shall, on a message to be transmitted to hat effect by his Excellency the Lord High Commissioner, consider itself to be sitting for he immediate consideration of the said reserved natters of the constitution; and all the enactnents then made for the final adjustments of the lue courts of law, and of a fitting civil and crininal code and procedure, shall, in the first intance (as in the instance of the constitution tself), be submitted to His Majesty, the proecting sovereign; and, if ratified, they shall then e considered, to all intents and purposes, as orming an integral part of the constitution tself of these states.

My reason for troubling the House rith this motion is, that, a difference iaving arisen between the Legislature nd the Senate, respecting some criminal aws, the Legislative Assembly referred o the home Government, who promised hem an answer in a short time; and the nswer the Government has given, has een — to dissolve the Assembly. I am not oing to trouble the House by any lengthned explanation of the nature of the uarrel; but I certainly think the Goernment blameable for dissolving on so light a cause. I think that we should how greater care of the interests of those slands. Looking to their geographical osition, our possession of them is most mportant; and it would, therefore, be lesirable to encourage liberal opinions there, and to keep the people as free as possible from the influence of Russian intrigue.

SIR DE LACY EVANS. — I second the motion.

On the question being put, —

Mr. V. SMITH said: — Sir, considering that this is a question seldom agitated, and at the same time one of great interest; and looking at the present state of the House, I am not anxious to go into an elaborate discussion on the state of those islands. But I will advert shortly to the circumstances to which my Noble Friend's motion has reference. The question between the Legislative Assembly and the Senate is, whether all the forms of the constitution have been complied with, and whether a law, which passed through the Legislative Assembly, should pass through the Senate? The Legislative Assembly has refused to let the Senate know what was the case, on the ground that such a proceeding would be inconsistent with the original proceedings under the constitution. That objection, however, is not valid; as, at the first formation of the constitution, there was no Senate, and, consequently, there could be no communication with the Assembly. Since the Senate has been formed, it has become necessary that the laws should be approved of by the Senate. It was so, under Sir F. Maitland and Sir F. Adam; and, consequently, in the case to which my Noble Friend has alluded, — the Assembly having refused to allow the Senate any participation in the framing of laws, — Sir H. Douglas had no alternative but to dissolve the Assembly. However, I will not oppose the production of the paper, but will reserve any further observations I may have for a future occasion, if the Noble Lord shall feel it necessary to bring forward any resolution upon it.

Motion agreed to; Address ordered.

PAROCHIAL ASSESSMENTS.

Mr. P. SCROPE. — I beg to move for leave to bring in a Bill to amend the Act 6 & 7 Will. IV. c. 96. That Act was passed in 1836, and promised to give general satisfaction; but several defects have been discovered in the working, and I have been requested to endeavour to amend them. Amongst the rest, great difficulty has been found in levying, under the Act, the rates in boroughs at petty sessions. I propose to give the magistrates, in petty sessions, full powers for the purpose. I have also introduced a clause rendering the compulsory provision more efficient in compelling the officers to make a rate. I trust that these few observations will induce the House to permit the bringing in of the Bill, when Honourable Members will have full opportunities of examining more fully into it.

Leave given; Bill ordered to be brought in by Mr. Poulett Scrope and Mr. Hawes.

HEALTH OF TOWNS.

Committee nominated: — Mr. Slaney, Lord James Stuart, Lord Viscount Sandon, Mr. John Ponsonby, Mr. Cowper, Mr. Greene, Mr. Richard Walker, Mr. Wilson Patten, Sir Harry Verney, Mr. Baines, Mr. Oswald, Mr. Tuffnell, Mr. Brotherton, Mr. Ingham, and Mr. William Smith O'Brien. — Power to send for persons, papers, and records; five to be the quorum; power to report observations.

PRUSSIAN COMMERCIAL UNION.

Mr. WODEHOUSE. — I am happy to inform the House that neither my long motion on this subject, nor a long speech, will be necessary, inasmuch as Doctor Bowring's Report has been put into my hands this morning. I must, in justice to the learned doctor, say, that a more interesting document was never laid on the table of this House.

CORONERS' COURTS.

Mr. WAKLEY. — I beg to move for "a Select Committee, to inquire into any measures which have been adopted for carrying into effect, in the county of Middlesex, the provisions of the Act of 1 Victoria, c. 68.; and also, into any proceedings of the justices of the peace, in relation to the office of coroner in the said county, with power to send for persons, papers, and records, and to report thereon to the House." My reason for this motion is, that, an Act having been brought in by the Solicitor General, in 1837, for the purpose of remedying the defects in the law relating to the coroner's office, that Act worked well for some time; but lately, the magistrates of Middlesex have seen fit to interpret the power given them to alter and vary the coroner's schedules, as one to rescind them altogether. Under these circumstances I have conceived it to be my duty to move for a Select Committee, in order that the law may be settled in such a way as to be intelligible and conclusive.

SIR G. STRICKLAND. — I second the motion.

COLONEL T. WOOD. — I feel it my duty to oppose the motion. The motion is invidious, in respect to the justices of the county of Middlesex; and I cannot but think it unfair, looking to the station the Honourable Member for Finsbury fills, that he should endeavour to avail himself of the powers he possesses as a Member of this House, to ask for this inquiry into the conduct of gentlemen upon whom the Legislature has imposed the duty of correcting his accounts. If the inquiry is to be made at all, it should be general and have reference to every county in England.

Mr. HUME. — I certainly concur with the Honourable and Gallant Member for Middlesex, in thinking that the inquiry ought to be general; and therefore I trust that my Honourable Friend the Member for Finsbury will amend his motion, so as to make the inquiry general.

Mr. WAKLEY. — I shall be very glad to extend the inquiry.

SIR T. FREMANTLE. — I was prepared to object to the original motion, but my objections are still more strengthened by the proposition now made, to make the inquiry general. No grounds have been stated for any such inquiry, and I shall therefore oppose the motion, even in its amended form. In my opinion, the House would stultify itself by agreeing to such a motion. The Honourable Member states that the beadles are dissatisfied with the conduct of the magistrates, and that public attention is much drawn to the accounts; but even that does not convince me that there is any necessity for the step he now proposes. I would beg, also, to remind the Honourable Member, that the magistrates are, by the Act, expressly permitted to amend the schedules. Under these circumstances, I trust the House will reject the motion of the Honourable Member.

SIR M. WOOD. — I can state, having

taken a part in auditing coroners' accounts in the county of Gloucester, that, in that county, there is no need for inquiry. I think, however, that as, under a late Act, several new places have been created, we should endeavour to establish some fixed mode of payment for the officers. It has been objected that the Honourable Member only refers to Middlesex in his motion; but then it should be recollected, that in that county only has there been any complaint. However, I think that the inquiry might as well be made general.

VISCOUNT PALMERSTON. — I think the Honourable Member for Finsbury has been rather hardly dealt with on this occasion. The Honourable Member consented to alter his motion to meet the views of one Honourable Member opposite, and, having done so, he is now opposed by the Honourable Baronet the Member for Buckingham. If there is to be any inquiry at all, I think it ought to be general.

COLONEL T. WOOD. — In my opinion, this motion is very unusual. I did not say that I would consent to the motion if it were made general. What I said was, that if special, it would be invidious; but if general, nothing could be more frivolous.

Mr. H. KEMBLE. — The justices have only performed the duties imposed upon them by the statute; and I am of opinion that no grounds have been laid for the present motion.

Mr. WAKLEY. — I do not think I have been treated fairly. I have been accused of making a motion without stating any sufficient grounds for it. Now, I ask, would it have been fair in me to make a statement which might inculpate persons who were not present to defend themselves? If this Committee shall be granted, I shall have very little influence over it. It will consist of fifteen Members, and it will be impossible for one individual to exercise any undue influence in it. It is quite clear that a Bill must be introduced to define the law in this matter; and therefore it is desirable that the House should possess that information, which can be elicited oply by a Select Committee. I beg to say that I do not move for this Committee from a motive hostile to any individuals. There are, to be sure, parties with whom I have to contend, but not in the House; and out of it, I am sure to defeat them. To show the necessity for my motion, I may mention that, in Middlesex, the magistrates have decided, first, that the duty of constable on coroners' inquests should not be performed by any but a salaried officer; and then they have refused to grant salary to any; so that now I do not know to whom to direct my warrant. Depend upon it, that if the House wish to encourage crime, the best step it can take for that purpose, is, to keep down the coroner's officer.

Mr. CRIPPS. — I shall have no objection to vote for the motion of the Honourable Member, if he will consent to make it general; but I think, that if there be a necessity for inquiry in Middlesex, the same necessity must exist in every other county.

SIR THOMAS FREMANTLE. — My objection is to the motion altogether. If the coroner's office wants revision, let the Honourable Member bring in a Bill for that purpose.

The House divided: — Ayes 31, Noes 17; Majority 14.

AYES.

Baring, Rt. Hon. F. T.
Barnard, E. G.
Bewes, T.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Chichester, J. P. B.
Clay, W.
Duke, Sir J.
Ewart, W.
Grey, Rt. Hon. Sir C.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Humphery, J.
Lister, E. C.
Lushington, C.
Morris, D.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Rice, E. R.
Rundle, J.
Strickland, Sir G.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Wood, Sir M.
Wood, B.

Tellers.
Hume, J.
Wakley, T.

NOES.

Bailey, J. jun.
Courtenay, P.
Cripps, J.
Eliot, Lord
Freshfield, J. W.
Gaskell, J. M.
Grimsditch, T.
Hodgson, R.
Hughes, W. B.
Kemble, H.
Knight, H. G.
Knatchbull, Rt. Hon. Sir E.
Lowther, J. H.
Plumptre, J. P.
Rickford, W.
Vivian, J. E.
Wodehouse, E.

Tellers.
Fremantle, Sir T.
Wood, Colonel T.

TITHE COMMUTATION ACT AMENDMENT BILL.

On the motion of Sir E. Knatchbull, the order for the further consideration of Report of the Tithe Commutation Act Amendment Bill was read; the Bill recommitted; considered in Committee; and to be reported to-morrow.

PAPERS, RETURNS, &c.

Revising Barristers. — Return (presented 13th March) to be printed.

Brewers, &c. — Account.

Malt. — Accounts (each presented 7th March) to be printed.

Hops. — Accounts (presented 7th February and 13th March) to be printed.

Legacy, &c. Duties. — Return.

Education. — Return.

Excise Duty. — Return.

Convicts. — Copies of Reports of John Henry Capper, Esq.

Vaccine Establishment. — Paper.

Navy. — Returns.

Victualling Stores (Navy). — Return.

Post Office Steam Packets. — Return.

Postage. — Returns (severally presented 13th March) to be printed.

Adjourned at half after eight o'clock.

HOUSE OF COMMONS, MERCURII, 18° DIE MARTII, 1840.

PRIVATE BUSINESS.

GREAT LEVEL OF THE WASH INCLOSURE BILL.

Petition for Bill (presented 21st January) read.

LORD G. BENTINCK.—Sir, the parties interested in this Bill having found that it is insufficient for their purpose, and that it cannot be altered without a violation of the Standing Orders, I beg leave to withdraw the Bill, in order that a new and more perfect one may be prepared. There are clauses relating to navigation, and others giving a compulsory power to the promoters, which are unnecessary and inconsistent with the principles of the Bill. It is proposed to bring in a new Bill without these clauses, and simply for inclosure. I would remind the House that the Bill is one of great importance. It proposes to reclaim from the sea an area of 150,000 acres, a space equal to the county of Huntingdon; and, in the process of reclaiming, the necessary consequence will be, that the drainage of upwards of a million of acres must be greatly improved. It will also improve the navigation of four great rivers, without increasing the tolls one farthing. I apprehend that there never was a Bill calculated to confer so much public benefit without subjecting any party to new taxation, and without a single compulsory enactment. I therefore think that it presents a strong case for the indulgence of the House. There are several precedents for it: — that of the Boston Harbour Bill, on 18th of March, 1814; the Milford Haven Bill, 7th of June, 1814; and the Dublin Improvement Bill. In all these cases, leave was granted to bring in new Bills. In this case, not a single individual can be injured, while thousands must be benefited. I trust, therefore, that the House will accede to the prayer of the petition.

On the question being put, "That the Bill be withdrawn,"—

LORD G. SOMERSET said: — Before this question is disposed of, I wish to express my opinion as to the course which ought to be adopted. I think it would be much better to retain the Bill, striking out the objectionable clauses, than to bring in a new Bill, provided that course would not be attended with great inconvenience.

Mr. WILSON PATTEN. — I would remind the House that this question has been before the Standing Orders Committee, and that they have decided on making parties answerable for their errors. I think, therefore, that the House should exercise great caution in permitting the introduction of a Bill, in violation of the Standing Orders.

Mr. LABOUCHERE. — I think that the House would not be deprived of its remedy by granting the prayer of the petition. The Bill could be referred to the Standing Orders Committee, where the whole matter could be investigated.

The SPEAKER. — It is quite true, as the Noble Lord has stated, that there have been cases in which parties were allowed to bring in new Bills; but those were cases in which the Standing Orders had been complied with. I think it would be establishing a dangerous precedent to allow parties to strike out objectionable passages in order to induce the House to grant leave for a new Bill.

Notice taken, that the Bill was not prepared in conformity to the petition for the same; order for second reading discharged; Bill withdrawn.

On the question being put, "That leave be given to bring in a new Bill for inclosing and reclaiming from the sea certain tracts of land, forming the great estuary called 'the Wash,' between the coasts of Norfolk and Lincolnshire," —

Mr. GREENE said: — I rise for the purpose of opposing this Bill altogether. We cannot allow parties to come to this House to petition for a Bill contemplating extensive improvements, which are promised to insure the consent of parties whose properties may be interfered with, and then to bring it down to dimensions suited to their own purposes. For this reason, I trust the House will not accede to the motion of the Noble Lord.

LORD G. BENTINCK. — Sir, as I perceive the feeling of the House is against me, I will not press my motion, but will adopt some other mode of proceeding.

Motion, by leave, withdrawn.

BIRMINGHAM AND WARWICK JUNCTION (BORDESLEY) CANAL BILL.

Petition of the company of proprietors of the Warwick and Birmingham Canal Navigation (presented 17th of March), read.

SIR CHARLES DOUGLAS. — I beg leave to move that this petition be referred to the Committee on the Bill.

On the question being put, —

Mr. GREENE said: — I regret to say that I shall feel it my duty to oppose the prayer of this petition, because, in granting it, I feel that we should be establishing a very inconvenient precedent. The petition is not, in point of fact, directed against any part of the Bill now before the House, but against clauses which the parties fear will be added in Committee, on the petition of other parties. I think, however, that the petitioners should have an opportunity of being heard, if the other parties come before the Committee. For this reason, I have framed a proposition, which I think will give them everything they can fairly require, without infringing on the Standing Orders. I shall move, by way of amendment, "That it be an instruction to the said Committee to receive and entertain the said petition, but only to hear the petitioners, their counsel, or agents, against such clauses, provisions, or amendments in the said Bill, as may be sought to be introduced by the company of proprietors of the Birmingham Canal Navigation, by the company of proprietors of the Stratford upon Avon Canal Navigation, by the company of proprietors of the Coventry Canal Navigation, and by Charles Woodcock, whose petitions were, on Friday last, severally referred to the said Committee."

SIR GEORGE GREY. — I apprehend that, under the Standing Orders, the petitioners have a right, should hostile clauses be proposed by other petitioners, to ask that they should be expunged. That being the case, I think the amendment proposed by the Honourable Member for Lancaster will save a great deal of unnecessary trouble.

Question, "That these words be there added," put, and agreed to. — Main question, as amended, put, and agreed to.

CHESTER AND CREWE AND GRAND JUNCTION RAILWAYS' CONSOLIDATION BILL.

LORD VISCOUNT SANDON. — I move that the Speaker do now leave the chair. My object for having the Bill reconsidered in Committee is, to add three clauses providing penalties against those who may cause obstructions on the line of road.

SIR E. SUGDEN. — Sir, I cannot help thinking that some time should be allowed for consideration, in cases like this. In my opinion, these additional clauses are often added to Private Bills without the House having had an opportunity of considering whether or not they are likely to interfere with the interests of the public. The House should not precipitately consent to any clause imposing penalties on the public traveling on railways.

LORD SANDON. — I think I shall be able to satisfy the House that, in proposing these clauses, I am consulting the interests of the public, not of the proprietors. The penalties I propose are against those who would create obstructions on the line of railway, and thus endanger the lives of the passengers. I think that the House must see, not only that the clauses are innocent, but that they are called for by considerations of public safety.

Mr. LABOUCHERE. — While I agree with the Right Honourable Member for Ripon, that all clauses of this kind should be carefully investigated; I think that, in this case, my Noble Friend has given sufficient reasons why the House should assent to the clause he proposes.

House in committee.

Report further considered (prints having been delivered on Friday, 18th March); amendments agreed to; three clauses added; other amendments made; Bill to be ingrossed.

Birmingham and Derby Junction Railway and Tamworth Approach Bill. — Reported; Report to lie on the table, and to be printed.

Bolton Small Debts Bill. — Reported; to be ingrossed.

Weston super Mare Road Bill. — Read a third time, and passed.

Warminster Road Bill. — Read a third time; amendments made; Bill passed.

Lloyd's Divorce Bill. — Read a first time; to be read a second time.

Thames Tunnel. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

Glasgow, Paisley, and Greenock Railway Bill, — By Mr. Loch, — from the provost, baillies, and town council of Renfrew, against. — Referred to the Committee on the Bill; counsel ordered.

Kingston upon Hull Docks Bill, — By Mr. Hutt, — from inhabitants of Kingston upon Hull, in favour. — To lie on the table.

MESSAGE FROM THE LORDS,

That they have agreed to Edinburgh Gas Bill, with an amendment:

That they have passed a Bill, intituled, "An Act to dissolve the Marriage of George Lloyd, Esquire, with Athalie Pulcherie Clotilde, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned:"

That they do communicate to this House the depositions transmitted from India, relating to the Bill intituled, "An Act to dissolve the Marriage of James Perry, Esquire, with Elizabeth Margaret, his Wife, and to enable him to marry again, and for other Purposes," as desired by this House; and request that the said depositions may be returned to them.

PUBLIC BUSINESS.

STADE DUTIES.

Mr. HUTT. — Sir, I hold in my hand two petitions from Kingston upon Hull, complaining of the duties, fines, and charges levied by the Hanoverian authorities at Stade on British ships and cargoes passing up the Elbe to Hamburg. As Honourable Members are very little acquainted with the facts of the case to which they refer, I beg to move that they be printed with the Votes.

The SPEAKER. — I must remind the Honourable Member that it is against the Standing Orders to print a petition on a subject not before the House.

Mr. GREENE. — I object to the printing of the petition, as a violation of the Standing Orders. The rule is, that petitions relating to matters which are to be subjects of discussion shall not be printed with the Votes; and if this rule were lightly dispensed with, it would be establishing a precedent which might be found inconvenient, as every Member would think that the petition from his constituents was of sufficient importance to be printed with the Votes.

Mr. HUTT. — I must remind the Honourable Member that the subject is but little understood, though of much importance, as relating to a portion of our commerce. When it was brought on last year, many Members left the House; and even of those who remained, some inquired whether the question did not relate to the "starch duties?"

Mr. WAKLEY. — I must say that the House will certainly bring itself into bad odour with the people, if it interpose such obstacles to their petitions. In the other House of Parliament, no such difficulties are interposed, — the petitions are printed, and full means afforded of bringing each under the consideration of the House; but, in this House, Members are obliged to beg and pray, implore and entreat, in order to have the petitions of their constituents printed. I repeat, that such obstacles to petitioning will tend to bring the House into something worse than contempt with the country. If the regulation now insisted on be a rule of the House, it ought to be relaxed; and the sooner the better.

Mr. AGLIONBY. — I do not concur with the Honourable Member who spoke last, that this House places any undue restrictions as to petitions. I will not go into any comparisons as to the rules of the two Houses, but I believe the Honourable Member is not correct in saying that petitions presented to the House of Lords are printed in all cases. I approve of the rule referred to by the Honourable Member as a general rule; but I think the present is a case in which it ought to be relaxed.

LORD G. SOMERSET. — As a general rule, I perfectly concur with the Honourable Member for Lancaster; but I think that there are cases which ought to be made exceptions. As the case is so little understood, I think it would be well to relax the rule in this instance.

Mr. L. HODGES. — I would ask the Honourable Member whether there are any other petitions on the same subject?

Mr. HUTT. — In reply to the Honourable Member, I beg to say that it is not the only petition. It is probable that many others will be presented to-morrow; but the present is the only one which will require to be printed.

Mr. GREENE. — Under these circumstances, and seeing that the feeling of the House is in favour of having the petition printed, I will not press my objection.

Petition ordered to lie on the table, and to be printed.

POOR LAWS.

SIR J. Y. BULLER. — Sir, I have to present a petition from the guardians of the Honiton Poor Law union, on the subject of the poor laws. They state that, before the formation of this union, the poor rates were comparatively low, and the poor were contented; but that now, after an experience of three years, they find the rates increasing, and the poor dissatisfied. They therefore pray that the Honiton union may be dissolved.

Ordered to lie on the table.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and having been read, were severally ordered to lie on the table; namely, —

Church of England, — By SIR JOHN YARDE BULLER and Mr. GOULBURN, for extension, — from Frampton Severn; Ducklington; Coney Weston; Harpford; Barningham; and Over Kellet.

Corn Laws, — By VISCOUNT BARRINGTON, SIR JOHN YARDE BULLER, Mr. R. PALMER, SIR E. KNATCHBULL, LORD WORSLEY, and other Honourable Members, against repeal, — from Cadney cum Howsham; Kirton and Manton; Thurlby, Broughton; Waddingham; Bottesford, Ashby, and Brumby; hundred of North Erpingham; Cadbury; Burlescombe, Saint Ewe, and other parishes; Kirmington and Croxton; Melton Ross and Barnetby; Blackawton, Stokenham, and Marlborough; Crowle; Payhembury and Plymtree: Chulmleigh; Chipping Lambourne; Elsham; Dunterton; Broadclist, Glamford Briggs; Anderby; Messingham; Broadwoodkelly; Modbury; Blean union (board of guardians); East Preston; Verubams Dean; Linkenholt and Ashmansworth; Wokingham; White Waltham and Shottesbrook; Little Callau; Worlaby; and Poughill.

By SIR G. STRICKLAND, Mr. BROTHERTON, Mr. WILSON PATTEN, Mr. M. PHILIPS, and Mr. LABOUCHERE, for repeal, — from Chorley; Eccleston; Horwich Rivington; Rastrick; Heath Charnock Euxton; Coppull; Birkacre; Leyland Adlington and Blackrod; Croston; Wari Cheadle; Besses oth' Barn; Pilkington Forres; Wolverhampton union; Bath P. Williams; Kingston upon Hull; Edward William Cox; Salford; Ratcliffe, Lumb; Farnworth; Newchurch; spinners, carders, &c. in the employ of Mr John Hadfield, Cowbrook; Mr. William Barber, Padfield; masters, agents, and workmen at Varteg iron works; Messrs Hodson and Wright, Mill Town; and Mr. John Kershaw, Hurst.

Church Patronage (Scotland), — By Mr. DUNBAR, CAPTAIN GORDON, Mr LOCH, and other Honourable Members, for alteration of the law, — from Acharacle; Cluny; Auchindoir; Premnay, Newmachar; Garioch; Lumphannan; Monymusk; Skene; Durris; Leslie Fowie; Fraserburgh; Turland; Kildrummy; Kilmuir Skye; Tough; Gartly Assynt; Clyne; Loth; Kildonan; Golspie; Strabane; Eddrachillis; Durness; Saintfield; Rosehall; and Rhynie.

By CAPTAIN GORDON, — from Alford, against alteration of the law.

Sale of Beer Act, — From Bradford, for placing retailers of beer on the same footing as licensed victuallers.

Opium Trade, — By COLONEL DAVIES — from Worcester, for the suppression of the opium trade.

Universal Suffrage, — From Strathaven (chairman), for adopton.

Flour Importation (*Ireland*) *Bill*, — y Mr. Labouchere, — from Belfast, in vour.

Church Rates,—By Mr. Williams and r. Thomas Duncombe, — for abolition, om Wolston; and Bishops Hull.

Warwick Gaol, — By Mr. Leader, omplaining of the treatment of William ovett and John Collins, — from Westinster.

Union Workhouses Bill, — By Mr. B. Vood, against, — from John Longmore; nd Thomas Martin.

Municipal Corporations (*Ireland*) *Bill* — By Mr. Blackstone, against, — from ibworth; Lambourne; and Patrick rompton.

Maynooth College, — By Mr. Blackstone, against further grant, — from East nd West Rudham; Kibworth; Patrick Brompton; Coxwold; Lambourne; and Little Hallingbury.

Inland Warehousing Bill, — By Mr. Baines, — from Leeds, in favour. — Referred to the Select Committee on Inland Warehousing.

Railways, — From Worcester, for free competition. — Referred to the Select Committee on Railways.

East India Produce, — Of planters and others interested in the British West India colonies (presented 17th March). — Referred to the Select Committee on East India Produce.

INLAND WAREHOUSING BILL.

All petitions in favour and against the Bill presented during the present Session, referred to the Select Committee on Inland Warehousing.

ADMINISTRATION OF JUSTICE (IRELAND) BILL.

On the motion of Mr. D. R. Pigot, read a second time, and committed for Wednesday, 1st of April.

EJECTMENT AND REPLEVIN (IRELAND) BILL.

On the motion of Mr. E. Tennent, second reading deferred till Wednesday, 1st of April.

NOTICES OF MOTION.

Mr. HODGES. — I give notice that I shall, on the 24th of this month, move for leave to bring in a Bill to render efficient the ancient constabulary system of England and Wales.

CAPTAIN BOLDERO. — I give notice that I shall, when the Ordnance Estimates come under the consideration of the House, call the attention of the Master General to the state of discipline in the military college at Woolwich.

Mr. PIGOT. — I give notice that I shall, to-morrow, move for leave to bring in a Bill to amend the Irish Tithe Act.

SIR J. GRAHAM.—Sir, I gave notice that I intended, on this day, to put a question to the Noble Viscount the Secretary for Foreign Affairs, which I cannot now do, seeing that the Noble Lord is not in his place. I hope that I shall be more fortunate to-morrow, to which day I postpone my question.

PAPERS, &c.

Soap. — Accounts presented — of soap made in each town in Great Britain; soap exported and imported; allowances and drawbacks to manufacturers of woollens, &c. (ordered 14th February). — To lie on the table.

Jamaica. — Copies presented — of correspondence respecting temporary barracks at Maroon Town, Jamaica (ordered 26th February). — To lie on the table.

Commissioners of Arbitration (*Slavery Abolition Act*). — Return presented — of persons appointed Commissioners of Arbitration under Act 3 & 4 Will. IV. c. 73., and of payments made to them; and copies of papers respecting Mr. Stephenson and Mr. Amyot (ordered 5th March). — To lie on the table.

China Produce.—Copies presented—of directions to the Commissioners of Customs for admission of goods from China brought in foreign vessels from Canton (ordered 13th March). — To lie on the table.

PRINTED PAPERS COMMITTEE.

Power to report observations and minutes of evidence from time to time.

First Report brought up, and read; to lie on the table, and to be printed.

RAILWAY COMMUNICATION BETWEEN LONDON AND DUBLIN.

Mr. SHAW. — Sir, in reference to the commissions — one naval, the other composed of civil engineers—which have been appointed to inquire into the communication between London and Dublin, I wish to know, from the Noble Lord opposite, why it is that the naval Report, understood to have been already made upon this subject, has not yet been laid upon the table of the House? and I further wish to know how soon we may expect to have it?

LORD VISCOUNT MORPETH. — I beg to inform the Right Honourable Member that Reports of that description are always made to the Chancellor of the Exchequer; but I will make inquiries on the subject.

SETTLED ESTATES DRAINAGE BILL.

Mr. PUSEY. — I beg to move "That this Bill be now read a second time."

On the question being put, —

SIR E. SUGDEN said: — I wish to draw the attention of the House to the importance of the measure now presented to its notice. It is one giving to the tenant for life power to charge a settled estate with all the expenses of drainage. No one is more desirous than I am that drainage should be facilitated; but, here, the question is, whether the House is prepared to break in on the integrity of settlements, and to give a power to tenants for life to charge the estate with any expense they may choose to incur. Whatever necessity there may be in Scotland for such an enactment, there is none as regards England or Ireland; because, by the present mode of settlement, every necessary power is given. I object to it, as the first step towards interfering with the will of the donor of the estate against the interests of infants or others, who have no means of defending their rights. Besides, if we consent, in this case, to allow the tenant for life to charge the estate with his expenses for drainage, the next step will be to ask for the expenses of planting, and then building. Let the Honourable Member modify his measure ever so much, there will be great room for abuse under it. Under all the circumstances, I think it my duty to warn the House to proceed very cautiously with this measure. I will not object to going into a Select Committee on the Bill; but I fear that no modification will reconcile me to the principle of the Bill.

Mr. LYNCH. — I shall support the Bill, on the ground that society ought not to be deprived of the advantages which such a Bill is calculated to produce; nor ought the family of the life tenant to lose its share of these advantages for the sake of a rigid adherence to the will of a donor. The House has to determine whether, during the tenant's life,— during a period perhaps of sixty or seventy years, — the land is to remain in an unimproved state; or whether, on the other hand, the tenant for life is to improve it for the benefit of the inheritance. In the one case, it would be highly detrimental to the land, and, in the other, grossly unjust to the tenant for life. I think the measure will be of the greatest service to tenants for life, particularly in Ireland; and the only thing I see that the House has to do, if it sanction the principle, is to guard against fraud.

SIR G. STRICKLAND. — I am certainly opposed to this Bill; and mainly because it gives to the tenant for life too great a power over the heir of entail, whose property may be frittered away by his acts, if unrestrained. Now, in the cases of building or planting, the return to the tenant for life is far more distant than in the case of draining. There is no man, who knows anything of farming, who must not admit that the most certain and immediate return for money expended in the way of improvement, is from draining waste lands. There have been many instances where, in one single year, the value of the land has been doubled by draining. Now, that cannot be done by planting for a great number of years, if, indeed, at all. It therefore appears to me that the power given by this Bill is nothing more nor less than a power to the tenant for life to commit a fraud; and I sincerely hope it may be opposed, not only in its present, but in every future stage, in which it may be permitted to come before the House.

SIR S. CROMPTON. — Notwithstanding what has fallen from the Honourable Baronet, I shall support this Bill; because I know, from my own experience, that great injustice is suffered by the owners of settled estates, in consequence of the tenants for life not being able to improve them.

Mr. AGLIONBY. — Sir, in private Bills, the Legislature has frequently considered it advisable that the remainder-man should bear a part of the expense. But, putting out of question both the remainder-man and the tenant for life, there seems to me to be another interest in question here, which the House should not disregard,—I mean the interest of the public. In my humble opinion, the public interest requires that all bars to the improvement of the land, and the encouragement of agriculture, should be removed; and as this Bill will tend to such effects, to a certain extent, I trust it will be allowed to pass into a law. No person will assert that, in affording a facility to drain waste lands, you are not, at the same time, giving an encouragement to agriculture. But you cannot expect that a tenant for life, with a large family to support, and who has only the prospect of a very short interest in the land, will pay money out of his own pocket for improvements, for which there is no certainty of a return during his life.

Mr. GOULBURN.—I entirely concur, Sir, in what has been suggested by my Right Honourable Friend the Member for Ripon. Honourable Gentlemen who support this Bill seem to think that, from the drainage of waste lands, no benefit accrues to the individual in possession. The argument of the Honourable Member for Galway makes directly against his own case, and in favour of the line we advocate. He says that sixty years may elapse before the estate passes into the possession of another individual. That being the case, the person in possession cannot but have an interest sufficient to induce him to improve the land; if not entirely at his own expense, at least principally. I think, therefore, if we are to make a change, that the person in possession should bear a portion of the expenses of improving the estate; and not, as is proposed by this Bill, allow them to be thrown entirely on the person who may succeed him. The Honourable Baronet opposite tells you that the advantage derived from the drainage of waste lands is very considerable, and that a return of money is sooner had from draining than from any other species of improvement. Surely, then, it would not be just to throw the burden of so profitable an investment entirely upon the remainder-man.

Mr. FRESHFIELD.—I support this Bill, Sir, with great pleasure; although I admit it ought not to pass in its present shape. The question, then, is how, and to what extent, shall it be modified? In what proportion, and under what circumstances, shall the reversional interest be affected by it; and to what extent shall the property be charged with the improvements made? These are questions for the consideration of the Committee. I think it would be unjust to charge the reversion with the whole expense; and I hold that a proportion of that expense, as well as the interest of the money, should fall upon the tenant for life. As the property will be continually increasing, in consequence of those improvements, a proportion, only, of the expense ought to fall upon the reversion. I hope the Bill may, ultimately, pass into a law.

The Bill was then read a second time, and committed to a Select Committe.

SUPPLY.

Rosolutions reported:—

1. That a sum, not exceeding 3,511,870*l.*, be granted to Her Majesty, for defraying the charge of Her Majesty's land forces, for service in the united kingdom of Great Britain and Ireland, and on stations abroad (excepting the regiments employed in the territorial possessions of the East India Company), from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

2. That a sum, not exceeding 164,740*l.*, be granted to Her Majesty, for defraying the charge of general staff officers and officers of the hospitals serving with Her Majesty's forces in the united kingdom of Great Britain and Ireland, and on foreign stations (excepting India), and of Her Majesty's garrison of the Tower of London, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

3. That a sum, not exceeding 60,146*l.*, be granted to Her Majesty, for defraying the charge of the allowances to the principal officers of the several public military departments in Great Britain, their deputies, clerks, and contingent expenses, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

4. That a sum, not exceeding 16,701*l.*, be granted to Her Majesty, for defraying the charge of the Royal Military Asylum and of the Hibernian Military School, from the 1st day of April, 1840, to the 31st day of March, 1841; both days inclusive.

5. That a sum, not exceeding 92,993*l.*, be granted to Her Majesty, for defraying the charge of volunteer corps, from the 1st day of April, 1840, to the 31st day of March 1841, both days inclusive.

6. That a sum, not exceeding 15,815*l.*, be granted to Her Majesty, for defraying the charge of allowances as rewards for distinguished services, and of allowances to officers of Her Majesty's garrisons, holding their appointments as rewards for military service, in the united kingdom of Great Britain and Ireland, and on foreign stations, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

7. That a sum, not exceeding 92,000*l.*, be granted to Her Majesty, for defraying the charge

of the pay of general officers in Her Majesty's forces, not being colonels of regiments, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

8. That a sum, not exceeding 53,500*l.*, be granted to Her Majesty, for defraying the charge of full pay for reduced and retired officers of Her Majesty's forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

9. That a sum, not exceeding 505,500*l.*, be granted to Her Majesty, for defraying the charge of half pay and military allowances to reduced and retired officers of Her Majesty's land forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

10. That a sum, not exceeding 63,608*l.*, be granted to Her Majesty, for defraying the charge of half pay and reduced allowances to officers of disbanded foreign corps, of pensions to wounded foreign officers, and of allowances to the widows and children of deceased foreign officers, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

11. That a sum, not exceeding 142984*l.*, be granted to Her Majesty, for defraying the charge of pensions to be paid to widows of officers of the land forces, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

12. That a sum, not exceeding 127,300*l.*, be granted to Her Majesty, for defraying the charge of allowances on the Compassionate List, of allowances as of Her Majesty's Royal bounty, and of pensions, gratuities, and allowances to officers for wounds, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

13. That a sum, not exceeding 1,274,639*l.*, be granted to Her Majesty, for defraying the charge of Chelsea and Kilmainham Hospitals, of the in-pensioners of those establishments, of the out-pensioners of Chelsea Hospital, of pensions granted to discharged negro soldiers, and of pensions from Hanoverian corps which served with the British army in 1793, 1794, and 1795, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

14. That a sum, not exceeding 42,000*l.*, be granted to Her Majesty, for defraying the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances, to persons formerly belonging to the several military public departments in the united kingdom of Great Britain and Ireland, from the 1st day of April, 1840, to the 31st day of March, 1841, both days inclusive.

Resolutions agreed to; Committee deferred till Friday.

MUTINY BILL. — MARINE MUTINY BILL.

Reported; to be read a third time to-morrow.

UNION WORKHOUSES BILL.

The Order of the Day for going into Committee on the Bill having been read, —

MR. BURROUGHES said: — Sir, I wish to take this opportunity of stating that I do not concur in the principle of this Bill. I think it is not a proper measure to bring before the House, and that it would be much better to propose the provisions it contains in the shape of a clause in the amended Poor Law Act, in a Committee of the whole House upon that subject. If the amendment of the Honourable and Gallant Member for Brighton should be acceded to, a part of the objection I have to this Bill will be removed, because it will make the Bill more general, and therefore more beneficial. I cannot see why union workhouses are to be exempted from the payment of poor rates, if other houses of a far more charitable description are not. Besides, I believe that the Parochial Assessments Act has already prevented the possibility of any further assessments upon workhouses. Unless some alteration be made in this Bill in Committee, or that I hear some good reason alleged for going on with it, I shall certainly oppose it at a future stage.

MR. FOX MAULE. — I can only say, Sir, that I brought this measure forward because it was considered to be most desirable that all new workhouses built since the passing of the Poor Law Act, should be exempted from poor rates. I have amended the Bill since it was introduced, in order that all union workhouses may be exempted from both parochial and parliamentary assessments.

Bill considered, and agreed to in Committee.

CAPTAIN PECHELL. — So far, Sir, I consider this Bill a good one; but I think it ought to be extended further; and, in the hope that it would be, I gave notice of a clause which I now rise to move for leave to bring up, including hospitals in its provisions.

MR. BERNAL (Chairman). — I do not think the Honourable Member can move such a clause, as it differs in its object from the preamble of the Bill.

CAPTAIN PECHELL. — I consulted the Solicitor General as to that point, and he said he did not think the clause could be objected to upon that ground. That was a sincere opinion, for he gave it without a fee.

AN HONOURABLE MEMBER. — Oh! if he gave it without a fee, it is not worth anything.

[Laughter.]

Mr. FOX MAULE. — I should like to hear the opinion of some legal gentleman on the subject; but it does appear to me that the clause of the Honourable Member does not come within the scope of the title of the Bill. Otherwise, I should be happy to give every facility to the Honourable Member to proceed with it.

Mr. GOULBURN. — In the absence of better authority, I must say that I have no doubt that, in a Bill respecting workhouses, you cannot introduce a clause respecting hospitals.

SIR T. FREMANTLE. — I have been requested by the Honourable Colleague of the Honourable and Gallant Member for Brighton to express his regret at not being able to be present to support the clause of the Honourable and Gallant Member.

CAPTAIN PECHELL. — Perhaps the Honourable Member the under Secretary for the Home Department will pledge himself to bring forward a measure to effect the object I have in view.

Mr. FOX MAULE. — I cannot pledge myself to do so, without first taking the subject into consideration.

Mr. GORING. — If the Honourable Gentleman should take the subject into consideration, I hope he will also consider the propriety of including lunatic asylums.

Bill to be reported to-morrow.

PRISONS BILL.

Considered in Committee, and reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

WAYS AND MEANS.

Committee deferred till Friday.

TITHE COMMUTATION ACT AMENDMENT BILL.

Reported; to be read a third time on Friday.

RETURNS, PAPERS, &c.

Criminal and Civil Prosecutions (Scotland). — Return (presented 13th March). — To be printed.

Registrars of Deeds (Middlesex). — Return (presented 17th March).—To be printed.

Penitentiary (Millbank).— Annual Report (presented 17th March).— To be printed.

Shrewsbury and Holyhead Road. — Annual Report (presented 17th March). — To be printed.

Assizes. — Return (presented 17th March).—To be printed.

Adjourned at half after six o'clock.

HOUSE OF LORDS, JOVIS, 19° DIE MARTII, 1840.

APPEALS.

Munro *v.* Munro.—Further heard, and adjourned to Monday next.

Reid *v.* Baxter. — Considered, and interlocutor affirmed, with costs.

Neilson *v.* Mrs. Jean Donald (or Cochrane). — Considered, and interlocutor affirmed, with costs.

Sir J. H. Dalrymple, Bart., *v.* Rankin.

The General Convention of Royal Burghs of Scotland *v.* Cunningham.

Petitions of the appellants for further time to lodge cases, read, and referred to the Appeal Committee.

Fogo *v.* Mathie. — Appeal presented, and respondent ordered to answer on Monday next.

The Royal Bank of Scotland *v.* Christie. — To be heard immediately after the cause "Munro *v.* Munro."

M'Can *v.* O'Ferrall, *et è contra.* — To be heard on Monday, the 30th instant.

Scott *v.* Curle. — Petition of the appellant for further time to lodge cases, read, and referred to the Appeal Committee.

MARCHMONT PEERAGE.

Committee for Privileges met; a witness examined; and Committee adjourned *sine die.*

BATTERSBY'S DIVORCE BILL.

Several witnesses ordered to attend on Monday next.

BEAUMONT BARONY.

Committee for Privileges met; counsel heard to open the case; witnesses examined; and Committee adjourned *sine die.*

Evidence to be printed; and the evidence taken before the Committee for Privileges, in Sessions 1794 and 1795, to be reprinted.

BOLTON SMALL DEBTS BILL — WARMINSTER ROAD BILL. — THAMES PLATE GLASS COMPANY BILL. — WESTON SUPER MARE ROAD BILL. — ARBROATH AND FORFAR RAILWAY BILL.

Brought from the Commons, and read a first time.

NORTH UNION RAILWAY BILL. — KENNET AND AMESBURY ROAD BILL.

Reported without amendment.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.

Reported from the Standing Orders Committee, and leave given to proceed with the Bill.

GARBOLDISHAM INCLOSURE BILL.

Read a third time, and passed.

EDINBURGH GAS BILL.

Returned from the Commons, with the amendment agreed to.

LLOYD'S DIVORCE BILL.

Message from the Commons for a copy of the evidence taken before this House on this Bill; evidence ordered to be communicated, as desired; communicated accordingly.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.

The EARL of ROSEBERY presented petitions praying to be heard by counsel against, — from James Haig and Son, distillers, at Lochrin and Sunbury, in the county of Edinburgh, and of David Haig, an individual partner of the said company; and of cowfeeders residing and carrying on trade in the city of Edinburgh and vicinity thereof. — Read, and ordered to lie on the table.

APPEAL COMMITTEE.

Third Report from, read, and agreed to; and ordered accordingly.

VACCINATION EXTENSION BILL.

Amendments reported (according to order); further amendments made; and Bill to be printed, as amended.

CORN LAWS.

Lord Redesdale, **Lord Prudhoe**, and other Noble Lords presented petitions against the repeal of, — from grand jurors, proprietors, and occupiers of land in the county of Roscommon: from owners and occupiers of land and others of Catterick and Kirkby Fleetham; Stanwick; Harpford; Cranborne; Holcombe Rogus; Handley; Gilling; Wimborne St. Giles and Horton, Woodlands, Gussage, and Pentridge; Westmill; and Ven-Ottery: rom owners and occupiers of land atending Hertford market: and from inhaitants of Bovey Tracey. — Read, and rdered to lie on the table.

MAYNOOTH COLLEGE.

Lord Rayleigh presented a petition gainst any further grant of money for he support of, — from inhabitants of Heybridge. — Read, and ordered to lie on he table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Lord Rayleigh presented a petition om the inhabitants of Heybridge, against e Bill. — Read, and ordered to lie on e table.

LEET JURIES.

The **Marquess of Normanby** presented petition from inhabitant householders siding in the manor of Stebonheath, otherwise Stepney, praying for alteration of the law relative to. — Read, and ordered to lie on the table.

CORN LAWS.

The **Marquess of Normanby** presented petitions for the repeal of, — from inhabitants of Woodside and Burrelton; and Glencairn; and of members of the Total Temperance Society of Tralee. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH.

The **Marquess of Normanby** presented a petition against any further grant of public money for the extension of, — from members of a congregation of Protestant Dissenters of Chesham. — Read, and ordered to lie on the table.

CHURCH EXTENSION.

Lord Redesdale presented a petition in favour of, — from inhabitants of Harpford. — Read, and ordered to lie on the table.

EDUCATION (SCOTLAND).

The **Duke of Buccleuch** presented a petition from the presbytery of Penpont, within the synod and county of Dumfries, praying for the adoption of measures to secure a system of education combining religious and secular knowledge. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The **Earl of Haddington** presented a petition against alteration of the law of patronage, — from inhabitants of Tynron. — Read, and ordered to lie on the table.

The **Earl of Aberdeen** presented petitions praying that some measure may be adopted for settling the question of patronage, — from members of the Established Church of Scotland and others of Fenwick; and of inhabitants of Craignire; and Markinch. — Read, and ordered to lie on the table.

The **Earl of Rosebery** presented petitions in favour of the principle of non-intrusion, and complaining of proceedings of the civil courts, — from ministers and elders of the presbytery of Dunblane;

bitants of Kennoway; and Marnoch. — Read, and ordered to lie on the table.

The EARL of GALLOWAY presented a petition in favour of the principle of Non-intrusion, and for the compensation of lay patrons, — of heritors, householders, and others of Dingwall. — Read, and ordered to lie on the table.

The MARQUESS of LONDONDERRY and LORD LURGAN presented petitions in favour of the principle of non-intrusion,— from ministers, elders, and others of Stranorlar: from the Presbyterian Church, Donegall Street, Belfast; Halkirk; Grange; Tullylish; Cullybackey; Maghera; and Strabane.

LORD HOLLAND. — My Lords, a Noble Friend of mine (the Marquess of Breadalbane), who is now absent in Scotland, has requested me to present petitions, above 200 in number, in favour of the principle of non-intrusion. I trust that my infirmities will be my excuse for not presenting them in the usual form. I have taken care to examine them, and have ascertained that they contain nothing irregular or disrespectful to your Lordships' House. Some of them, while they pray for the abolition of patronage, suggest, also, that compensation should be made for the loss of such patronage. Though I feel honoured by being intrusted with the presentation of those petitions, still I will not venture to express any opinion on the merits of the question. The petitions are from the ministers, elders, and other inhabitants of Fearn; Tillicoultry; Killearnan; Watten; Rescobie; East Kilbride; Rothiemay; Kilcalmonell; Kilmalie; Culross; Castledawson; and Edinburgh: of the moderator and members of the Associate Session of Renton: of the Kirk Session of the National Scotch Church, Regent Square: of heritors, ministers, and others of Resolis; and Marnoch: of magistrates and town council of Brechin: of the presbytery of Perth; Newcastle upon Tyne; Dingwall; Lorn; Caithness; Dunbar; Turriff; Dumfries; and Aberdeen: of members of the Kirk Session of Kelso; Dunfermline; Cowan Street, Kirkaldy; and Saint Peter's, Dundee: of members of the Presbyterian Church, Townsend Street, Belfast; Ballymacanett; and Strabane: and of inhabitants of Sprouston; Fearn; New Spynie; Oban; Contin; Kilsyth; Tain; Portnahaven; Glenisla; Bothkennar; Prestonpans; Cleish; Kilcherran and Dalavich; Urray; Darsie; Strontian; Stanley; Kilmuir; Leuchars; Dundee; and Lochbroom: and of inha- Lunan; Dalton; Forgandenny; Killin; Stow; Bernedale; Torphichen; Anworth; Birnie; Moneydie; Thurso; Linbrathen. Dron; Girthen; Collace; Tinwald; Brydekirk; Kinclaven; Campbeltown; Heriot; Cupar Angus; Dunipace; Tarbat; Duthil; Perth; Meigle; Elgin; Lethendy and Kinloch; Ruthwell; Larbert; Anstruther Wester; Troqueer and Maxwelltown; Strathkinniss; Barry; Gartmore; Eastwood; Brechin; Rayne; Forteviot; Trinity Gask; Ardnamurchan, Rhynd; Chapelshade; Prestonkirk; Roxburghshire; Balquhidder; Glenlyon; of the mission of Lawers Breadalbane; Ferglen; Moffat; Legerwood; Fraserburgh; Hawick; Tarland; Dunbarny Bridge of Earn; Kinfauns; Kilbrandon; Banton; Torryburn; Kirkhill; Fintry; Dryfesdale; Newton Stewart; Lybster; Logie Easter; Belfast; Edinburgh; Selkirk. Leslie; Old Monkland; Troon; Annan; Abercorn; Stevenston; Dalkeith; Keir; Sanquhar; Skim; Mordington; Scoonie. Speymouth; Kirkpatrick Irongray; Tundergarth; Portree; North Knapdale; Bruan; Kilmalie; Nenthorn; Clunie; Fodderty; Kingoldrum; Kirkmichael; Kirkpatrick; Fleming; Inverkeillor; Durinish; Newtyle; Keiss; Burntisland; Logie; Banff; Crieff; Dumfries; Saint Andrew's; Bendochy; South Uist; Kilmuir Easter; Eassey and Nevay; Kirkcaldy; Rattray; Denny; Tenandry; Cockburnspath; Milnathort; Kemback; Innerwick; Belnahuay; Cumbernauld; Invertiel; Abernyte; St. Mungo; Craig. Kilspindie; Gask; Strathfillan; Glenelg. Knock; Kilchoman; Alloa; Cockenzie. Bower; South Knapdale; Bernera; Dunkeld and Dowally; Caputh; Duntocher; Ardeonaig; Logiealmond; Blairgowrie; Stirling; Kinross; Airth; Wick; Kirtle; Aberdalgie; Lochee; Kilmuir Wester and Suddy; Lochgilphead; Half Morton; Campsie; Plockton; Glassary; Glendovan; Milton of Balgowie; Greenlaw. Tobermory; Cargill; Monimail; Glenorchy and Inisheil; Melrose; Olrig, Pittenweem; and Stornoway.

The EARL of ABERDEEN. — I wish to make one observation respecting the description given of these petitions by the Noble Lord. I rather think, that though all these 200 petitions are favourable to non-intrusion, still there is no doubt that in other respects, their prayer varies. Some are, I am sure, for the abolition of patronage; others for the full establishment of the veto law; and many, no doubt, pray that ministers should not be obtruded on parishes contrary to the wishes of the congregation, when just objections are taken.

Petitions read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD FITZGERALD AND VESCI. — My Lords, recollecting that a petition was last year presented from Galway, calling for certain alterations in the Irish Municipal Corporations Bill, and that another petition, of a contrary description, was then presented by a Noble Marquess, as speaking the sentiments of the inhabitants of that town (which the Noble Marquess afterwards fully admitted not to be the case),— I take this opportunity, as some space of time will intervene before the second reading of the Bill now before your Lordships (which stands for the 30th inst.),— to present a petition with which I have been intrusted by the inhabitants of Galway; in order that if any Noble Lord have a petition to present of a contradictory character, time shall not be wanting to ascertain the real facts before the measure proceeds further. Therefore it was that I gave notice of my intention to present the petition this evening. Whatever my own opinion on particular parts of the present Bill may be, and however I may regret that Government has not adopted the course which I recommended last year,— namely, the abolition of exclusive corporations in Ireland,— still, after the discussions which have taken place in this and the other House, and after the alterations that have been made in the measure, and admitting its very great importance, I do not feel myself justified in resisting the progress of the Bill now introduced. My principles remain unchanged; but I am not ashamed to be guided in cases of such importance by the opinions of others, rather than doggedly to persevere in a particular course. The inhabitants of Galway complained, last year, that they had not had an opportunity of being heard in support of their petition before the House of Commons; and this year they have instructed their two Members in that House to move for the exemption of the town of Galway from Schedule A. It is true, that the Bill now before your Lordships' House differs in some respects from the Bill which was presented to you last year. By that Bill, it was proposed to transfer all the fiscal powers of the grand jury to the town council. Such a provision is not to be found in the present Bill; and I rejoice at it, as I should not like to see the disposal and control of 30,000*l*. a-year, the amount of grand jury cess, transferred from the gentlemen of property to a popularly elected town council. However, although this difference exists, the prayer is the same: the inhabitants pray to be allowed to choose whether or not they are to have a corporation. I do not agree in political sentiments with the two Honourable Gentlemen who have moved and seconded that proposition; and I state this, lest it might be supposed that, on the present occasion, I am only speaking the sentiments of those in whose opinions I usually coincide. The two gentlemen to whom I have alluded are neither opposed to general principles of municipal reform, nor are they opposed to Her Majesty's Ministers; on the contrary, they are amongst the most constant and steady supporters of Government; yet these gentlemen advocate the change in the Bill for which the petitioners pray, thus proving that the proposition is not a party one. The petitioners state that by the 5th and 6th of William IV. the management of the income of the town of Galway was placed in the hands of commissioners, popularly elected. They state, that they have already, under that Act, obtained a searching municipal reform, which gives to the people the election of those who are intrusted with the funds derivable from tolls. The mode of administering the town funds, the execution of public works, and the auditing of accounts, are all placed on an improved footing. Under the same Act, a bench of magistrates, popularly elected, are associated with those who are appointed by the corporation. They call on your Lordships, as these great objects have been already effected, not to inflict an expensive system on the town, by which the burgesses would have to pay a new set of officers; and they pray, therefore, that Galway may be exempted from the first schedule of the Bill; not, however, precluding the inhabitants, if the experiment be found to succeed, from hereafter calling for a corporation, if they think proper. I have only further to add, that on this subject a most satisfactory, as well as a most unanimous, feeling prevails in Galway. All political feelings are set aside, and, what is most unusual in a provincial town, men differing on questions of local policy are agreed upon this point. The first signature to the petition is that of the Roman Catholic bishop of Galway, and at the head of the second column appears the name of the Protestant warden, who is at the head of the church establishment in Galway. The petition is from the landowners, merchants, and others of the town of Galway, praying that the said town may be transferred from Schedule A to Schedule B, and that other arrangements may be made for the better regulation of church patronage, parliamentary franchise, and the apppointment of sheriffs.

The MARQUESS of NORMANBY.—My Lords, I am most willing to bear testimony to the high respectability of the petitioners; and I am sure they have every reason to be satisfied with the manner in which their case has been stated by the Noble Lord. I, however, have a petition, also most respectably signed, not exactly in opposition to, but certainly not in accordance with, that which the Noble Lord has presented. These latter petitioners pray for an alteration in certain clauses of the Bill; and, if these are conceded, they are willing that Galway should remain in Schedule A.

LORD FITZGERALD AND VESCI.—That your Lordships may be fully aware of the respectability of the petitioners, I beg to state that the chairman of the meeting at which the petition was prepared, is one of the most respectable men in the town. I have a letter from him, in which he states, with reference to the petition mentioned by the Noble Marquess, that it was agreed to at a meeting hastily called together, and of which the parties principally interested had no sufficient notice. But, that after that meeting, when the matter became generally known, another meeting was called, which was most respectably attended, and at which it was resolved to petition Parliament that the town should be placed in Schedule B. That petition has been since signed by all the representatives of property in the town, and is that which I have had the honour to present this evening. The petition is signed by 130 out of 154 rate-payers, — the whole number in the town, — paying nineteen twentieths of the entire rate. The Members for the town have deemed this petition so completely to represent the opinion of the inhabitants, that they have made a motion, in another place, grounded on it. I think, my Lords, that this short statement must settle the comparative value of the two petitions.

The MARQUESS of NORMANBY.—I have no doubt of the correctness of the Noble Lord's statement. I merely observed that I had received such a petition, and that I kept it back for inquiry. I have also no doubt that the Noble Lord's speech will produce three or four petitions, which your Lordships will have time to consider before you come to your final decision.

The EARL of GLENGALL. — My Lords, I have to present to your Lordships a petition of a similar nature. It is the petition of the mayor, corporation, merchants, and other inhabitants of the town of Clonmel, against the Bill, and praying that the said town may be excluded from the list of towns to which the provisions of the Bill are intended to apply. It is signed by the great majority of the proprietors of the town, — a town which, in importance and wealth, is second to none of the same extent in the kingdom. The rates of the town amount to 750l. a-year, of which the petitioners pay three fourths. The petitioners are in no way anxious that the present system should be continued; but they are sensibly alarmed at the idea that, under the new Bill, the salaries of municipal officers alone will absorb the whole property of the corporation, which is only 600l. a-year. They fear every kind of corruption under the proposed measure, and trust that your Lordships will not permit the town of Clonmel to be included in Schedule A.

Petition read, and ordered to lie on the table.

The MARQUESS of LONDONDERRY. — My Lords, I have given notice of my intention to present to your Lordships a petition, which is certainly of a very different nature from that which has just been presented. I cannot help saying, that I have heard with regret what has fallen from my Noble Friend behind me, because I cannot but feel, in my conscience, that the Municipal Corporations Reform Bill for Ireland, looking at it in all its bearings, is a most objectionable measure. I shall not, however, present the petition this night; but I will give notice, that on Thursday, the 26th instant, I shall do so. But I may be permitted to state that it comes from the city and county of Londonderry, and prays that no further innovations may be made which will endanger the Protestant Established Church of Ireland, or fundamentally alter the municipal corporations of that country. On the day when I shall present the petition, I will endeavour to discover, by questions which I shall put to the Noble Viscount at the head of Her Majesty's Government, whether it is the intention of that Government to adhere to the declarations made in May last, after the desertions from the Cabinet which have since taken place, and the appointment of persons inimical to the Protestant constitution since that time. I give notice that I shall present the petition on Thursday, the 26th instant, for which day I move that the Lords be summoned.

Agreed to.

On the motion of the MARQUESS of LONDONDERRY, a Bill "for better defining the Powers of Justices within the Limits of the Metropolitan Police District," read a first time; to be printed, and to be read a second time on Monday next.

ADMINISTRATION OF JUSTICE BILL.

On the motion of the LORD CHANCELLOR, — second reading (which stands appointed for to-morrow) put off to Friday, the 27th instant, and the Lords summoned.

PAPERS, &c.

Account of the quantity and value of opium, woollens, cotton goods, and all other articles imported into Canton by the East India Company and private traders, respectively, in each year from 1820 inclusive, to the latest time to which the same can be made out: Also,

Account of the quantity and value of tea, and of all other articles, and of treasure, exported from Canton by the East India Company and private traders, during the years above mentioned: Also,

Account of all bills drawn upon India and London, by the select committee at Canton, in each of the above years: And, also,

Account of the exports and imports of foreign nations at the port of Canton, in each of the above years; distinguishing woollens, cotton goods, tea, treasure, and bills, and all other articles, as far as the same can be made out.

Delivered (pursuant to order of the 14th of February last); to be printed, and referred to the Select Committee on the Petition of the East India Company for Relief.

Copy of a despatch of the Court of Directors of the East India Company, in the revenue department, dated the 15th of March, 1839, on the improved cultivation of cotton in India: And, also,

Copy of a minute of the Governor General of India, on the cultivation of cotton in India, dated Simla, the 14th of August, 1839.

Delivered (pursuant to order of the 5th instant); to be printed; and referred to the Select Committee on the Petition of the East India Company for Relief.

Annual Report of the Commissioners of the Shrewsbury and Holyhead Road.—Delivered (pursuant to Act), and ordered to lie on the table.

Accounts relating to the trade and navigation of the United Kingdom, in the years ending 5th of January, 1839, and 5th of January, 1840 (delivered on the 24th of February last).—Referred to the Select Committee on the Petition of the East India Company for Relief.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Birmingham Canal Navigations Bill. — Petitions against, — from corporation of Evesham; Worcester (chairman of a meeting); boatowners and others trading on the Birmingham and Worcester, and Birmingham and Stratford upon Avon Canal Navigations; company of proprietors of the Warwick and Birmingham Canal Navigation; and, company of proprietors of the Coventry Canal Navigation. — Referred to the Committee on the Bill; counsel ordered.

Glasgow, Paisley, and Greenock Railway Bill. — Petition of the parliamentary trustees for improving the navigation of the river Clyde and enlarging the harbour of Glasgow, against. — Referred to the Committee on the Bill; counsel ordered.

Glasgow Poor Rate Bill. — Petition of the Merchants' House of Glasgow, in favour. — To lie on the table.

St. Harmon Inclosure Bill. — Petition of freeholders and other inhabitants of St. Harmon, Nantmel, and other places, against. — To lie on the table.

Glasgow Poor Rate Bill. — Petition of owners of houses, shops, and other heritable property in Glasgow, against. — Referred to the Committee on the Bill; counsel ordered.

Arbroath and Forfar Railway Bill; Bolton Small Debts Bill; Thames Plate Glass Company Bill. — Severally read a third time, and passed.

Thriplow Inclosure Bill. — Read a second time, and committed to Mr. Townley and the Cambridge list.

Portsmouth Floating Bridge Bill. — Read a second time, and committed to Sir George Staunton and the South Hants list.

Cramond Bridge Bill. — Reported; to be ingrossed.

Lloyd's Divorce Bill. — Ordered, that a message be sent to the Lords, to request that their Lordships will communicate to this House a copy of the minutes of the evidence taken before their Lordships in the case of Lloyd's Divorce Bill.

Edinburgh Gas Bill. — Lords' amendments agreed to.

Perry's Divorce Bill. — Read a first time; to be read a second time.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church of England, — By Sir R. H. Inglis, Mr. Mackinnon, Mr. Hope, Mr Milnes, Mr. A. Chapman, Mr. Farnfield, and Colonel T. Wood, for extension, — from Castleford; Pontefract; Boldre; Great Wigston; Countesthorpe; Whitby; North Tidworth; Brightstone; Eling; North Stoneham; Falmouth; and St. Peter's, Saffron Hill.

From Uxbridge, against extension.

Corn Laws, — By Sir C. Lemon, Lord Worsley, Mr. Pusey, Mr. Chute, and Colonel Rushbrooke, against repeal, — from Kenn; Ven Ottery; Harpford; Otterton; Lympstone; Doddiscombleigh, Harford; Colyton; Brampford Speke; Farway; Woodland; Coffinswell; Mevey; Dartington; Ipplepen; Dunsford. Tamerton Foliot; Upton Pyne; Rockbeare; Clyst Hydon; Membury; Holcombe Burnell; Bickleigh; Alphington, Harberton; East Budleigh; South Hincksey, North Hincksey, and Witham; Sutton Wick, Drayton, and Steventon. Marcham and other places; Cumnor, Appleton, and Eaton; Sutton Courtney and Milton; Appleford, Long Wittenham, and Little Wittenham; Wootton Sandford and Basselsleigh; Tubney and other places; Southmoor and other places. Radley and other places; Pusey and other places; Gate Burton; Stow, Lea Gainsburgh; Stockwith; Willoughton. Northorpe; Marton; Blyton; Normanby by Spittle; Lamorran, Merthyr, and

Saint Michael Penkivell; Cuby and Cornelly; Saint Just in Roseland and other places; Houghton; Saint Mary, Truro and other places; Beaulieu; Probus and Ladock; Saint Erme and other places; Creed St. Stephen's and Roach; Didlington and Colverstone; Worlington; and, Ringwood union.

By Mr. **Sanford**, for inquiry into the present law, — from Somersetshire.

By Mr. **Freshfield**, Mr. **Hume**, Mr. **Baines**, the **Attorney General**, **Sir H. Vivian**, Mr. **Stansfield**, and Mr. **G. Craig**, for repeal, — from Huddersfield (signed by 4800 persons); Saint Columb Major; Luxborough and other places; Tormorden; Royley; Brentford; Harpurhey; Rawtenstall; Langholm; Farnworth; Handforth (two petitions); Glossop; Honley; Edinburgh (the chairman of the Chamber of Commerce); Currie; and John Russell.

Socialism, — By Mr. **Compton**, for uppression, — from Houghtou; and Romsey.

Church Patronage (*Scotland*), — By Mr. **Fox Maule**, **Colonel T. Wood**, **Admiral Adam**, and Mr. **Wodehouse**, for alteration of the law, — from the Scotch Church, London Wall; Logie Pert; Wamphray; Arbroath; Sealing; Kilmadock; Croaghmore; Craiguist; Saint George's parish, Glasgow; moderator and others of the Scotch Church, Regent Square; Cockthorpe; Morston; Winwick; Newcastle upon Tyne (clerk of presbytery); Liverpool; Abercorn; Tulliallan; Kennoway; and North Leith.

Church Rates, — By Mr. **R. Currie** and Mr. **Hume**, for abolition, and release of John Thorogood, — from Stony Stratford; Potters Pury; Long Buckby (two petitions); and Frome Selwood (two petitions).

Railways (*Ireland*), — By **Colonel Perceval**, — from Sligo, for promoting the construction of railways in Ireland.

Universal Suffrage, *&c.*, — By Mr. **Hume** and Mr. **John Fielden**, for adoption, —from Ramsey's Buildings, Hamilton; William Pargiter, and master and workmen employed in the Clyde grain mills, Glasgow; Kemback; John Hogg; James Martin; John Craig; John Leathem; William Forbes; Blackford; Lanarkshire Universal Suffrage Association (chairman); Bridgend; and James Brodie.

China, — By Mr. **L. Bruges** and **Sir G. Staunton**, for the suppression of the opium trade, — from teetotallers of the Bath Temperance Society; and Chesham.

Church Establishment (*Colonies*), — By Mr. **Fox Maule** and **Sir G. Grey**, for extension, — from St. George's Church, Pansboro'; Partridge Island; Christchurch, Nova Scotia; and Holy Trinity, Nova Scotia.

Medical Profession, — By Mr. **F. French**, for reform, — from St. Pancras, Middlesex.

Ecclesiastical Duties and Revenues Bill, — From Sandiacre, against.

Fictitious Votes (*Scotland*), — From Peebles, complaining of the creation thereof.

Sunday Baking, — By **Lord Teignmouth**, against, — from Marylebone (two petitions).

Lord's Day, — From Paisley, complaining of the sale of spirits on the Lord's Day.

Inland Warehousing Bill, — By Mr. **Hindley**, — from Staley Bridge, in favour. — Referred to the Select Committee on Inland Warehousing.

Railways, — Of the chairman of the Leith branch of the Edinburgh and Dalkeith Railway, against the tax on passengers. — Referred to the Select Committee on Railway Communication.

BRITISH LEGION (SPAIN).

SIR DE LACY EVANS. — I have to present a petition, signed by 200 of the officers belonging to the late British Auxiliary Legion serving in Spain, setting forth their claims on the Spanish Government for arrears of pay due to them; and stating that, having entered the Spanish service under the direct sanction of the British Government, the latter are bound either to enforce the settlement of their claims on Spain, or to take the liquidation of them on itself. They pray that the House will afford them such redress as, in its wisdom, it may think meet. I will not trouble the House with entering into a detail of the statements in the petition; but, if the House will allow me, I wish to make two or three observations.

[Cries of "Order, order!" "Chair, chair!"]

I throw myself on the indulgence of the House. The statements I desire to make have reference to my own conduct, as connected with the legion.

[Cries of "Go on, go on!"]

I wish to correct an erroneous impression that has gone abroad, that I had entered into a contract with the Spanish Government for the pay and subsistence of the petitioners, and the men of the legion. That statement is entirely unfounded. Neither I nor any other person entered into any contract with the Spanish Government, but merely agreed to certain conditions. I entered that service, as any other soldier would have done, acting entirely upon my own judgment; yet, having had the command of the force, and being the only member of that force in the House, I feel that I am placed in a peculiar position, and I therefore wish to make some observations with regard to the time I have chosen for presenting this petition.

[Cries of "Order, order!" "Chair, chair!"]

The SPEAKER. — By the rule of the House, the Honourable Member must confine himself to the statements of the petition. I am sure, however, that if the Honourable and Gallant Member desires only to explain as to any misapprehension relating personally to himself, the House will grant its indulgence; but the Honourable and Gallant Member should not go beyond that.

SIR DE LACY EVANS. — The observations I was about to make, Sir, were strictly personal to myself. I wish to state that I have selected the present time for presenting this petition, because, although I felt the greatest anxiety that the petitioners should obtain what they are entitled to, yet, so long as the fate of the constitutional cause of Spain remained in doubt, and while the question of the amount remained under examination, I did not think it right to do anything which might interfere with the great object for which the legion was originally formed. The constitutional cause is now safe, and the amount of pay due is admitted by the Spanish Government to be 280,000*l.*, which is very nearly the amount originally claimed. I wish, also, to observe, with respect to the commissariat officers, ——

[Renewed cries of "Order, order!" and, "Chair!"]

I will not trespass further on the indulgence of the House, but will give notice that I shall call the attention of the House to the subject after Easter.

The petition was then ordered to lie on the table.

CONTROVERTED ELECTIONS COMMITTEE.

Report brought up, and read. — To lie on the table, and to be printed.

DIVORCE BILLS.

On the motion of SIR GEORGE GREY. Standing Order (30th June, 1801,) relative thereto read, and repealed.

Resolved, That, before any Bill of divorce for adultery do pass this House, evidence be given before the Committee to whom the said Bill shall be committed that an action for damages has been brought in one of Her Majesty's courts of record at Westminster, or in any one of Her Majesty's courts of record in Dublin, or in one of Her Majesty's supreme courts of judicature of the presidencies of Calcutta, Madras, Bombay, or the island of Ceylon, respectively, against the persons supposed to have been guilty of adultery, and judgment for the plaintiff had thereupon; or sufficient cause be shown to the said Committee why such action was not brought, or such judgment was not obtained.

Resolution to be a Standing Order of this House.

Resolved, That, in all cases in which the petitioner for the Bill has attended the House of Lords upon the second reading of the Bill, he be required to attend also, to answer any questions the Select Committee may think fit that he should answer.

Mr. HUME. — I cannot allow this opportunity to pass without repeating the opinion I have before expressed, that this House is not the proper tribunal for deciding upon divorce cases. The examinations which occasionally take place at the bar of the House, on cases of this nature, do us but little credit. I will not offer any opinion as to what sort of tribunal such cases should be referred to, but I certainly think some other tribunal should be established.

ESTABLISHED CHURCH—NON-RESIDENCE.

Mr. HUME. — I beg to give notice that, on Tuesday next, I shall move for "Returns of the number of incumbents, curates, &c. in the Established Church, distinguishing residents from those non-resident; those appointed by the Crown from those appointed by the Lord Chancellor and others."

WAR WITH CHINA.

SIR J. GRAHAM. — I will avail myself of the present opportunity to give notice that, on the 2d of April, I intend to submit to the House a motion respecting he papers which have been laid on the able upon the subject of the disputes beween this country and China. Of the precise terms of that motion I shall give due intimation.

NAVAL AND MILITARY COMMISSION.

SIR HUSSEY VIVIAN. — On Tuesday last, in replying to a question from he Honourable and Gallant Member for Sussex, I stated that the delay in placing he Report of the Naval and Military Commission before the House had arisen rom the lamented illness of the Duke of Wellington. I have since ascertained hat that statement was not correct; for find that every paper sent to the Duke of Wellington was returned by him, corected, within the space of twenty-four hours.

[Cries of " Hear, hear, hear!"]

The delay has arisen from the numerous nd laborious duties which have devolved upon the secretary in preparing the documents for the press. I have seen that genleman this day; and he informs me that he papers will be ready within a fortnight.

POST OFFICE.

SIR R. PEEL. — I wish to refresh the memory of the Right Honourable the Chancellor of the Exchequer, in regard o some papers relating to the Post Office Department, for which I moved some days go. Perhaps the Right Honourable Genleman can say when they will be laid on he table?

The CHANCELLOR of the EXCHEQUER. — On this point, I must beg to refresh the memory of the Right Honourable Baronet. The papers to which the Right Honourable Baronet refers have been already presented.

SIR R. PEEL. — But have they been printed?

The CHANCELLOR of the EXCHEQUER.— I believe not.

PATENTS—PRIVY COUNCIL.

SIR R. PEEL. — Some time ago, I moved for certain papers concerning the judicial decisions of the Privy Council respecting the renewal of patents. I am not aware whether there is any representative for that particular department in the House; but, perhaps, the Right Honourable the President of the Board of Trade will make some inquiry on the subject.

Mr. LABOUCHERE. — There is no connection between the Judicial Committee of the Privy Council and the department with which I am connected. I will, however, make inquiry upon the subject.

The ATTORNEY GENERAL. — It is my duty, officially, to attend before the Privy Council when the renewal of a patent is sought for. I am quite sure there can be no objection to furnish the papers which the Right Honourable Baronet requires; and I will do all in my power to procure their production at the earliest possible period.

CHINA.

SIR J. GRAHAM.—Seeing the Noble Lord the Secretary for Foreign Affairs in his place, I wish to ask him one or two questions upon the subject of the present state of our relations with China. The first is, with respect to the opium question. It appears, from the papers on the table of the House, that a certain quantity of opium was obtained from the British merchants at Canton, and delivered up by the superintendent, under certificate. There is reason to believe that a further quantity of opium was obtained by the superintendent, not under certificate, in order to make up a specific quantity; and that a surrender was made by him of the whole to the Chinese authorities. It is understood that, as the quantity of opium that was surrendered to the superintendent did not amount to the quantity that had been specified to the Chinese authorities, a further quantity had to be purchased by him to make it up. This fact, though publicly stated, and uncontradicted, does not appear upon the face of the documents that have been furnished to Parliament. Now, I wish to know from the Noble Lord, whether the superintendent did effect such a purchase; and whether it is true that that purchase was made, not under certificate, but by bill? The next question I wish to ask relates to the supposed destruction of the opium surrendered to the Chinese authorities. From these papers, it does not appear that the destruction of the opium actually took place; the only mention made of it seems to show that it was transmitted to Pekin, to be there made a matter of profit by the Chinese Government. Now, what I wish to know from the Noble Lord is, whether he has any other information upon the subject, showing that the opium so surrendered to the Chinese Government was really destroyed, or sent to Pekin; and, if so, whether there will be any objection to produce it?

VISCOUNT PALMERSTON.—With respect to the first question which the Right Honourable Baronet has put to me, I believe that what happened was this:—the parties in Canton having been called upon to deliver up the opium in their own or their agents' hands, each house made out a statement of the quantity they had in China; and the aggregate amount was given in to the Chinese commissioner, as the quantity that would be delivered up. One of the ships, however, that had opium on board, and which opium was included in the aggregate amount that had been delivered in to the Chinese commissioner, disobeyed the orders of the superintendent, and sailed away: the consequence was, that there was a deficiency to the amount that ship contained. Under these circumstances, I believe Captain Elliot did purchase a quantity of opium, which arrived subsequently, in order to replace that deficiency. I am not aware that there are any papers in the office relating to this transaction; but, if there are, of course they will be produced. My information upon this point is derived, not from official sources. With regard to the destruction of the opium, no other account has been received by me than that which is contained in the papers which have been presented. I have seen, in the newspapers, the accounts to which the Right Honourable Baronet refers; but I know nothing further, officially, than what is contained in the papers I have laid on the table of the House.

SIR J. GRAHAM.—May I understand that the papers relating to the purchase of the opium will be produced?

VISCOUNT PALMERSTON.—Whatever papers are in the office having reference to that subject shall be laid before Parliament.

SIR J. GRAHAM.—I find, in the official instructions to the superintendent, that reference is made to the Order in Council of the 1st of December, 1833, for regulating the trade with Canton. That order is not included in the papers on the table. I wish to know whether there is any objection to the production of that order; and I wish, also, to ask the Noble Lord, whether any other Order in Council has been passed, under the Act for regulating the trade with China? Another question I wish to ask the Noble Lord is, whether or not Her Majesty's Government have received, and, if so, will they produce, any remonstrance that may have been made by certain American merchants, at Canton, against the blockade instituted by Captain Elliot?

VISCOUNT PALMERSTON.—In reply to the Right Honourable Baronet's first question, I have to observe, that the papers, relating to this subject, have been produced, in obedience to an order of this House; but, in that order, the Order in Council to which the Right Honourable Baronet has alluded was not mentioned. I believe, however, there will be no objection to its production. As regards the second question which the Right Honourable Baronet has put to me, I can only reply, that I have not yet received any Report of the remonstrance said to have been delivered in by the American merchants at Canton.

Mr. J. A. SMITH.—As the warlike preparations going on in the ports of India are now a matter of public notoriety, and as great anxiety exists on the subject, I wish to ask the Noble Lord whether he has any objection to state the object of the expedition?

LORD J. RUSSELL.—In answer to the Honourable Gentleman's question, I beg to refer him to the answer I gave, on a former occasion, to a question that was put to me by a Noble Lord on the other side of the House. I was then asked, in reference to certain statements that had appeared in the newspapers, whether a declaration of war had been made by the Governor General of India against China; and my reply was, that the Government had received no official information on the subject, and could not believe that report to be well founded; but that it probably arose from the order which had been sent out by the Government to make certain preparations. What I then stated has turned out to be the fact, as has been proved by the recent arrival of official despatches. The orders sent out were to make certain naval and military preparations. The Honourable Gentleman now asks me what is the object of those preparations. I can state them only very generally. In the first place, they are to obtain reparation for the insults and injuries that have been offered to her Majesty's superintendent, and her Majesty's subjects, by the Chinese Government; and, in the second place, they are to obtain, for the merchants trading with China, an indemnification for the loss of their property that was incurred by threats of violence offered by persons under the direction of the Chinese Government; and, in the last place, they are to obtain security in future for the persons and property of British subjects trading with China.

HILL COOLIES.

Mr. MACKINNON. — I wish to ask the Noble Lord whether it is the intention of Her Majesty's Government to permit the continued importation of Hill Coolies into the Mauritius, and whether that permission is to be extended to all the West Indian possessions of England? Also, whether there is any objection to the production of the despatches that have been addressed to the Governors of our West Indian colonies on the subject?

LORD J. RUSSELL. — Some propositions have been made to Her Majesty's Government upon the subject of the introduction of the Hill Coolies into certain of the British colonies, which, as yet, have not been acceded to. The Noble Lord the Member for Lancashire asked me, the other night, whether I had any objection to lay on the table the despatches and instructions which had been sent out to the Governor of British Guiana, in relato this subject. I beg, now, to state that those instructions are now ready, and will be produced, on a motion to that effect being made.

Mr. MACKINNON. — Then, I beg to give notice of my intention to make such a motion.

BRITISH CLAIMS ON PORTUGAL.

LORD VISCOUNT SANDON. — I rise to inquire of the Noble Lord the Secretary of State for Foreign Affairs, whether he has received any intelligence from Portugal which affords a prospect of a speedy settlement of the claims of British subjects upon the Government of that country?

VISCOUNT PALMERSTON. — I beg to state, in reply to my Noble Friend's question, that a gentleman, whom I proposed to fill up the vacancy in the mixed commission, by which these claims are to be decided, has declined the office, and no one else has, as yet, been appointed in his stead.

LORD SANDON. — When does the Noble Viscount intend to make an efficient appointment?

VISCOUNT PALMERSTON. — I beg to assure the Noble Lord that the appointment to which I allude was made *bonâ fide.*

LORD SANDON. — Can the Noble Lord name a time when we may expect the appointment to be made?

VISCOUNT PALMERSTON. — I assure the Noble Lord that I am perfectly in earnest in what I say. It is impossible that I can name a time.

THE CASE OF JOSEPH AND JOHN WORKMAN.

Mr. GORING. — I wish to ask the Honourable Member for Finsbury whether it is his intention to call the attention of the House, in the course of this evening, to the petition of William, Joseph, and John Workman, in pursuance of the notice which he has given on the subject?

Mr. T. DUNCOMBE. — I intend to postpone my motion on that subject; I may, however, take this opportunity of asking, when it is intended to lay upon the table of the House the papers recently ordered, on the motion of the Honourable Member for Essex?

Mr. F. MAULE. — There will be no

objection, eventually, to lay the whole of those papers upon the table of the House, nor any objection to the production, at present, of a portion of them; but, I must say, I do not think it expedient that the whole should be produced until the opinion of the judge who has tried the case shall be known. I think it would be a most inconvenient precedent to consent to the production of documents of this description, so long as the merits of the question are under the consideration of the judges; but I have no objection to the production of any communication on the subject that may have been received from the gaoler or the visiting justices.

Mr. GOULBURN. — It appears that the Honourable Member for Finsbury does not intend to bring forward his motion respecting the petition of William, Joseph, and John Workman, presented on the 13th March last, although that petition was ordered to be printed with the Votes of the House. The petition contains serious charges against magistrates and other parties in Sussex; and I think this ought to prove to Honourable Members how cautious they should be in ordering petitions to be printed, which are not intended to be brought under the consideration of the House.

Mr. T. DUNCOMBE. — There is no particular regulation as to the time when a motion must be brought forward. I think if any one has reason to complain, it is the unfortunate lunatic pauper who is now a prisoner in Chelmsford gaol.

Mr. GOULBURN. — The petition contains much of criminatory matter, reflecting upon the magistrates who passed the sentence.

Mr. T. DUNCOMBE. — I believe there is an inquiry now going on into this subject.

STEAM NAVIGATION REGULATION.

SIR T. COCHRANE. — I wish to know from the Right Honourable Gentleman the President of the Board of Trade, whether he has abandoned the hope of being able to bring in a Bill, during the present Session, for the regulation of steam navigation?

Mr. LABOUCHERE. — I certainly have not abandoned the hope of introducing such a Bill; but I find that there are a great many difficulties to be overcome. I trust, however, that I shall be enabled to bring in the Bill before the Easter holidays.

STADE DUTIES.

Mr. HUTT. — I beg, Sir, to present a petition from the merchants of Hull, complaining of the duties, fines, and charges levied by the Hanoverian authorities at Stade on British ships and cargoes passing up the Elbe to Hamburg.

Ordered to lie on the table.

Mr. HUTT. — Sir, the House will have observed, from the number of petitions laid on the table relating to the Stade duties, that the subject has excited a considerable share of the public attention. The feeling among large and influential classes in the country is so strong, and the expectation with which even this night's discussion is regarded, is so earnest, that I regret the matter has not been brought under the consideration of the House by some one better calculated, by personal qualities and habits, to do it ample justice. The responsible task, however, has devolved on me, as the representative of a large commercial constituency, deeply interested in the question, and I will endeavour to execute it to the best of my power. I only hope that, during the statement I have to make, I shall have the good fortune to secure from the House a degree of attention, on account of the importance of the subject, which, on my own account, I have no pretensions to expect. The subject of the Stade duties is assuredly of some importance. It closely affects the welfare of large numbers of people engaged in shipping and manufactures, and it calls in question, also, that moral influence and authority of our flag among foreign nations, without which neither our manufactures nor our commerce can long maintain their pre-eminence. I have to complain that the King of Hanover is in the habit of levying on British vessels and cargoes, proceeding up the river Elbe, certain tolls and duties to which he is in nowise entitled; and that he enforces the payment of his unjust demands by many circumstances of oppression; and that, too, in a manner highly derogatory to the British flag. I do not deny that the King of Hanover has a right to collect tolls at Stade; unhappily for the general interests of commerce, I am constrained to admit that he has such a right. But I contend that he is in the habit of pushing his demands to an extravagant and unwarrantable extent; and that the amount which he exacts is excessive; and that his mode of compelling payment is utterly incompatible with our commercial security and national honour. I am not going to make any personal attack upon the reigning King of Hanover. I do not admire that monarch; but his character and opinions are in no way mixed up with the Stade tolls, and it is not my intention to confound them. I will say more; I can easily believe that the present King of Hanover considers that, in levying those tolls, he is only exercising his unquestionable rights, inasmuch as he is only continuing a practice handed down to him by two of his immediate predecessors. The circumstances under which the Stade privilege became the property of the Kings of Hanover are remarkable, and singularly inconsistent with the abuse of which I have to speak. The tolls at Stade originally grew up under the permission, and, in some degree, under the sanction, of the early Emperors of Germany, to whom that town was subject. In the year 1648, Stade, together with the rest of the Bremen territory, was ceded to the King of Sweden, who exercised, as a customary right, the practice of levying these tolls on all vessels navigating the Elbe, those of Hamburg excepted; for Hamburg had been declared exempt from the tolls by the Emperor Barbarossa. Some disputes having arisen between Sweden and the city of Hamburg as to the tolls to be legally exacted, a convention was appointed by these two states in 1691, and a treaty executed for the final settlement of that question. In that treaty, the Hamburg privilege was recited, and the mode in which all other vessels were to pay the required dues was clearly laid down. In the following year, a scale of charges or tariff was drawn up, under the sanction of both parties, and was formally annexed to the treaty. The two documents were officially published, and styled "The Permanent Settlement of the Stade Tax." The tariff was framed on this general principle: most articles of commerce were rated at one sixteenth of their value, and charged on that basis. In certain cases, the *maximum* charge appointed was one sixteenth per cent. on the real value. In all others, the duty was to be paid according to either system, as the merchant himself might direct. The election was with the merchant, not with the collecting officer. Other provisions were added for the favour and protection of trade; and Sweden formally renounced all idea of alleviating or altering the tariff. In the year 1715, the duchy of Bremen, which includes the town of Stade, was ceded by the King of Denmark, who had wrested it from Sweden, to George I., as part of the electoral dominions, in consideration of the sum of 150,000*l.*, which the British Government undertook to pay for it. The British Minister justified the act by declaring that the sacrifice was necessary to secure the interests of our trade with Hamburg, which, even at that period, was of considerable importance. The Elector of Hanover, of course, took possession of his new territories, with all their existing rights and obligations, among which was the Stade tax. The transfer, could not, of itself, afford any pretext for altering the agreement of 1692, or for making that agreement binding upon one parly only,—namely, those who were to pay the toll. The Stade tolls, then, became the private perquisite of the Kings of England; and George II., in consideration of his obligations to the British people, first of all relaxed the mode of collection in 1736; and, in 1740, renounced them altogether, as appears from the following statement in *Anderson's History of Commerce:*—

> A. D. 1740. In this same year, His Majesty King George II., of Great Britain, and Sovereign of the town of Staden, in the duchy of Bremen, was graciously pleased to remit to all British and Irish ships the ancient toll payable at Staden by the ships of all nations in sailing up the river Elbe. For which bounty his said Majesty received an humble Address of thanks from the British company of merchant adventurers trading to Hamburg.

These taxes were resumed by George III. In the year 1804, Hanover was occupied by the French; and the Stade duties ceased till the year 1814, when they were compelled to retire. When the ancient Government of Hanover was re-established in 1814, it revived the Stade duties, with many aggravations; and this state of things proceeded till the assembling of the Congress of Vienna, in 1815. One of the first subjects which occupied the attention of that congress was the regulation of the river navigation of Germany. With a view to the settlement of this matter, — so important to every state of Germany, — the Minister at Vienna agreed to certain general principles to be applied to all the rivers of that country, and to form the basis of all further regulation by the Germanic states. The principles adopted by the congress were most just, liberal, and comprehensive, and they were developed in language the most decisive and unambiguous. The publication of these principles was received throughout Europe with sentiments of the utmost satisfaction. To reflecting men, in every part of Germany, they suggested the most pleasing expectations of extensive commercial intercourse. The day, in their apprehension, had at last arrived, when the noble rivers of their country, the arteries of her trade, and the instruments of her civilisation, should no longer be obstructed by every petty, sordid, and capricious authority; but should be declared, by the universal voice of Europe, the natural and organic right of all its states, and be irrevocably thrown open to the trading enterprise of the world. In regard to the Elbe, this brilliant dream, like most others, ended in disappointment. The congress having thus laid down the principles on which all measures for regulating the rivers should in future be framed, deputed to the states bordering on each river the part of settling the details of all matters relating to its navigation. Commissioners appointed to re-organise the regulations of the Elbe met at Dresden, in June, 1819. They consisted of the representatives of Austria, Prussia, Hanover, Saxony, of Denmark for Lunenburg and Holstein, of Mecklenburg, Anhold, and the city of Hamburg. Now, as no paper relating to this convention of Dresden has ever been formally communicated to this country, I have no power of quoting any recognised official account of its proceedings; but as a report of them has lately been published, by a lawyer of great talents and high reputation on the Continent, who has had access to the original minutes preserved at Dresden, perhaps I may refer to that publication as an authority. The convention assembled on the 3d of June, 1819, and in the outset everything seemed to accord with the liberal view of the court. On the 19th of June, the Hanoverian minister astonished the meeting by objecting to any interference with the Stade tolls, asserting that the Stade tax did not come within the sphere of their duties, it being, not a river, but a sea tax, and levied only on ultramarine vessels and produce. The president of the assembly stated, in reply, that their duty, as expressed in their commission, was to inquire into everything relating to the navigation of the river; and therefore, that the Stade tax fell obviously within the province of their duty. The quibble, however, of the Stade tax being a sea tax was renewed by the Hanoverian commissioner whenever reference was made to that subject; and though he at last gave it up, and promised to submit his tariff to the inspection of the commissioners, nearly three years passed away without that pledge being redeemed. Both Denmark and Hamburg were dissatisfied at this, and strongly protested against the withholding of this important document. But the commissioners, being at last wearied out with the repeated evasions of Hanover, and the fruitless discussions to which they gave rise, came to this formal resolution, which was afterwards incorporated in their proceedings, as the fifteenth article of the convention of Dresden.

With respect to Denmark and Hamburg, the question of the Stade duties was left untouched by the Convention of Dresden. As related to the other states appointed by the congress to settle everything relative to the navigation of the Elbe, the Stade duties were to remain unconsidered, on condition that the general principles laid down by the congress should be respected in the tariff; — that a copy of it should be laid before the commission, and that Hanover should introduce no alteration in it without the concurrence of the other states interested therein. The Hanoverian minister, when all the labours of the convention had terminated, and when the commissioners assembled for the last time to exchange the ratifications of the several courts, produced his tariff, which, of course, passed without discussion or revision. Thus, although the convention successfully resisted the claim of the King of Hanover to consider the Stade duties as sea taxes, the real object which His Majesty had in view — that of preventing any interference with his system of collecting taxes at Stade — was completely attained. And thus, notwithstanding all that was arranged and enacted at Vienna, the system of collection was left untouched by the convention, both in principle and in detail. I have already stated to the House the nature of the tariff established by the Swedish treaty. Merchants were ordered to pay, as a *maximum*, what amounted to —— per bale, or, if they preferred the *ad valorem* tax, they were to produce their invoices, to show what the value of their goods really was, and on that value they paid one sixteenth per cent. This, with a small toll on the ship, constituted the whole of the Stade duties. Many provisions were made, in the tariff, for the safeguard of commerce, and the Crown of Sweden specially abjured all design of altering or augmenting the charges thereafter. Such, then, was the Stade tariff up to the year 1715, when it fell into the hands of the Elector of Hanover. What is it now? By singular good fortune, I am enabled to answer that question, on authority; for, last year, the Crown of Hanover condescended, for the first time, to apprise our Government of the nature of the tariff by which it levies taxes on our commerce. Up to the year 1839, the Stade tariff was an unacknowledged, if not a secret, document. The Noble Lord at the head of the Foreign Department made repeated applications to the Court of Hanover, to ascertain the scale of charges which it was applying to our ships and cargoes in the Elbe; and the answer of the Court of Hanover was practically this:—"Ah! you don't know, and we won't tell you." However, last year, it was formally produced, and placed in the hands of Mr. Bligh, the representative of the Foreign Office at the Court of Hanover. It is the tariff brought forward at the Convention of Dresden; and if it can be said to bear any resemblance to the only legal tariff,—that of 1692,—it is the resemblance of a hideous caricature. In the first place, it is more than ten times as long;—again, all the stipulations favourable to commerce, in the legal tariff, are struck out; in the third place, in regard to the rates laid down, such a latitude of construction is assigned to the collecting officer, that the whole character of the tariff, as a table of fixed charges, is effectually and entirely nullified. In short, the tariff which Hanover admits to Mr. Bligh to be in practical use, bears no sort of resemblance to that which was handed over, on the cession of the duchy of Bremen to George II. It can derive no pretence to legality from the treaty of 1692. It is a heap of miscellaneous exactions, with no force or validity but what has been gathered from usurpation. This is not my opinion merely. I do not give this as the mere opinion of the petitioners; they, unhappily, are too deeply interested in the question to pass for the most impartial judges of any portion of it. But I beg the House to listen to the language used by the Crown of Denmark in 1824, when invited to a conference on the subject by Hanover:—

> With regard to the tariff, we have carefully considered that which was produced at Dresden. It is impossible that we should be satisfied with the pretensions of a state to levy such taxes on no other grounds than its own will and pleasure. We must consider, in the first place, by what right or authority the duty is levied at all; and, as this is not stated, to inquire into its history. A tax without a fixed scale of amount would be perfectly monstrous, and nothing less than a revival of the club law of our ancestors in the dark ages. There is no document in which a rule of taxation can be found, except in the tariffs drawn up by mutual agreement between Hamburg and the Crown of Sweden, dated the 15th of August, 1692, which is to be found in the Bremen and Verden *Corpus Constitutionum*. The Danish commissioner goes on to remark, that, looking at the tariff put forward by the King of Hanover, it seemed as if His Majesty had renounced all notions of being confined by any fixed standard of dues; and that, in such a proceeding, Denmark would never concur. The tariff of 1821 was, therefore, objected to by Denmark:—first, because the principle on which it turns is erroneous, as it brings into application all varieties of measures, values, numbers, casks, and cases, without any attempt at a definite regulation of duties. Secondly, because it proceeds on an arbitrary departure from the old lawful standard, established in 1692, and is, therefore, without any foundation in right. Denmark requires an adaptation of the proposed duties to the Vienna regulations, or, where the novelty of wares, forms of package, &c. renders them inapplicable, a return to the old system of "quantities," as the mode of valuation. Thirdly, because the new scale having, as has been just shown, no legal foundation, it cannot afford any security against further infringement in future.

Thus far the statement of the Danish commissioners. That of the Hamburg commissioners was, in many respects, similar; but it contained the additional remark, that the *maximum* of Stade taxation, as established by contract, was one sixteenth per cent., whilst most of the charges were below this rate; but, according to the new tariff, one sixteenth had become the *minimum*, and the more important articles of commerce were subject to a charge of one half, two and a half, and even five per cent.; and that this, together with the complexity and confusion introduced into the mode of election, would place the whole trade of the Elbe at the mercy of the customs officers of Hanover.

It was the fashion in this country, some years ago, to jest a good deal at the ingenuity with which the Government made every object, in whole circles of material nature, the subject of taxation. It was said that all the things on the earth, and in the waters under the earth, were the subjects of fiscal assessment. Against any ingenuity of this sort which the most acute Chancellor of the Exchequer ever displayed, I will place that now arrayed by the Hanoverian authorities against British commerce in the Elbe. I will just recite the different classes of taxes which a vessel bound to Hamburg is required to pay to the King of Hanover, on passing the town of Stade. They consist of eight kinds. Taxes on the ship; which, on a ship of 250 tons, are about 215*l*. Taxes on the cargo; every article being charged in detail. These taxes frequently amount to 5 per cent. on the value of the commodities. Commission of 6¼ per cent. on the above paid to collecting officers; ship's expenses; commission thereon to the collecting officers; *eventualiter interim* certificate; certificate of return; tax on passing Stade outward bound. From these various imposts, the King of Hanover obtains, for his private revenue, 70,000*l.* or 80,000*l.* per annum; and, large as the amount is, it is absolutely nothing in comparison with the cost and trouble thrown upon merchants and shipowners by the penalties which menace them, should they offend in any manner against the mandates of the Hanoverian custom-house, or against the caprice of the officers placed in charge of it. On the slightest inaccuracy in a ship's papers, — and her papers and cargo are scrutinised with the most vigilant search after inaccuracies, — both ship and cargo are seized and confiscated; — a penalty sometimes commuted for heavy fines and ruinous expenses. I will mention one or two cases of this species of oppression; for, without some such illustrations, the House will scarcely believe that the grievance exists to such an enormous extent: —

> Some time ago, Messrs. Gee, Loft, and Co., of Hull, merchants of great wealth and of the highest integrity, shipped for Hamburg, by the Fairy, Captain Gell, a vessel which was loaded by them with a general cargo, "three bales of cottons, or merchandise." In the bill of lading, the articles were inadvertently entered "bales of cotton twist;" the difference of the Stade duty was about 7*s.* only. All the ship's other papers described the goods with technical correctness, and in no other respect was there any informality. For this error alone, in the bills of lading, the Fairy was seized by order of the Hanoverian custom house, to be released only on Messrs. Gee, Loft, and Co. paying to the King of Hanover the sum of 215*l.* 17*s.* 6*d.* This enormous fine was paid, and all applications for reconsideration were unavailing; — not a farthing was ever restored. All suspicion of fraudulent intention must, in this case, be out of the question; the undoubted honour and integrity of the parties, on the one hand, and the miserable benefit attainable by an act of smuggling (7*s.*) on the other, alike preclude the possibility of such a construction of the irregularity. It was, in truth, one of those trifling inaccuracies in the ship's papers which may be detected in the clearance of most of the ships that enter our ports with a general cargo; yet it was punished like an act of outrage and criminality, with a fine of 215*l.* and expenses in the law courts of Hanover. The second illustration is of very recent occurrence. It is a case in which the Stade authorities seem to have been actuated by the mere gratification of wanton power, such as suggested to a whimsical tyrant of other days the amusement of appointing his horse to the consulate. In the course of last year, as the Severn steam-ship, Captain Knocker (which plies between Hamburg and Hull), was proceeding on her homeward voyage, she stopped, as usual, off the guard-ship at Stade, to render the certificate of return. A gun was fired at the Severn by the guard-ship, and a boat sent alongside. It then appeared that the officers of the guard-ship had been pleased to determine that, on her last voyage, the steam-vessel did not stop soon enough. They demanded, in consequence, as a fine for the offence, the sum of eight marks, and prepared to detain the packet, because the captain, knowing there was no foundation for such complaint, hesitated to comply with so arbitrary an exaction. The captain, to avoid the detention of his ship, paid the money, but did so under protest, and made application to Mr. Canning, the British Consul General at Hamburg, for its restoration. For this act of contumacy towards the authorities of Stade, the Severn was condemned to an additional fine of fifty dollars on her return to Hamburg. As, in the former case, remonstrance was fruitless, there was no redress. The fine was paid.

Is it astonishing that Englishmen complain? Is it very wonderful that, fleeced and insulted as they are by a petty German prince, they should besiege the Foreign Office and the Board of Trade with petitions and remonstrances? But all redress is still denied them; and I have not been able to learn of a single case, however aggravated, in which satisfaction has been obtained for the British merchant. I do not complain particularly of the Noble Lord, nor of the present Government, nor of the past Government, nor of any Government in particular, — I complain of every successive Government which, during the last five-and-twenty years, has swayed the destinies of England; for one and all have exhibited, in regard to the British interests involved in the Stade question, a most reprehensible dereliction of their first duties. So long as the King of Hanover was also King of England, I suppose that the Stade duties, being the private property of the monarch, were a delicate and difficult subject to deal with. But that difficulty exists no longer. That excuse — a bad one at the best — cannot justify our doing nothing now. Is the evil not to be stayed here? What answer does the House mean to give to the petitioners, whose complaints, expressed in respectful but vehement language, now lie upon the table? They assert that the King of Hanover is levying unjust demands on their property, and enforcing payment with every circumstance of injury and insult. The Noble Lord is bound either to justify the conduct of the king, — to prove that he has a right to act in the way I have described, — or else to put a period to such proceedings at once and for ever. Has the King of Hanover law and justice on his side, in burdening our commerce and oppressing our mariners? I trust that the House will declare to the King of Hanover that he shall not do these things with impunity. I protest that I cannot approach the subject with temper; it rouses my indignation to think that any prince or authority should be allowed to plunder and oppress the maritime navy of England, and that our merchants should not only be denied all redress for past injuries, but denied even a guarantee for better treatment in future. Can it be asserted that the King of Hanover has a right to act in this manner? I contend that he possesses no inherent right to levy these taxes on the Elbe. His right, if he has any, must rest upon some clear and intelligible proof. All general assumption is against such a right; and the title to it, like all other titles, ought to be established by the party claiming, upon competent and unquestionable evidence. I presume that the circumstance of its having been enforced since the peace of 1814 will not establish its title, since, against the enforcement of it, various European states have constantly, and vehemently, and formally protested. What pretence, then, is set up?—The Congress of Vienna. But what said the general act of the Congress of Vienna?

> The navigation of the German rivers, along their whole course, shall be free. The duties collected shall be as nearly as possible the same along the whole course of the river. They shall be regulated in a uniform and fixed manner, with as little reference as possible to the different qualities of merchandise. The duties shall in no way exceed those now paid. They shall never be increased without the consent of the co-riverans states. The tariff shall be so framed as to encourage navigation. There shall be no port or forced harbour dues; even those now existing shall not be permitted, unless all the states deem them necessary for general commerce. Regulations shall be established to prevent customs officers throwing impediments in the way of navigation.

Now, in regard to every British ship that passes Stade, the King of Hanover has broken one or other of these regulations. The King of Hanover can draw very little help from the articles of the Congress of Vienna; and the Convention of Dresden cannot be brought forward in support of his proceedings. I remember that the Noble Lord contended, last year, that the 15th article of the Convention of Dresden bore a construction favourable to the practices now going on at Stade. But, surely, the plain meaning of that paragraph is, that the convention consents to abandon all further discussion respecting the Stade tax, provided that the Hanoverian minister should bring forward the tariff, and bind himself that it should not be varied without the concurrence of the states interested therein, — always supposing that this tariff was not repugnant to the general principle expressed by the congress act respecting navigation. To contend, from the words of this article, that the commissioners engaged to sanction the tariff, whether it was or was not in harmony with the navigation law laid down at Vienna, is to contend that they agreed to assume new functions altogether; for they were appointed to carry those principles into effect; and they really had no power committed to them to authorise any regulations which were prejudicial to those principles. But I have shown that the system pursued by Hanover, at Stade, is in utter defiance of them all. If, then, the sanction of some of the commissioners (for those representing Denmark and Hamburg protested against the proceeding altogether), — if some of the commissioners gave a conditional assent to the tariff, and if their conditions were not observed by Hanover, the assent fell to the ground. The tariff, therefore, derived no sanction or authority from the Convention of Dresden. If, then, neither this convention, nor the Congress of Vienna, nor the treaty between Sweden and Hamburg, affords any justification of these proceedings, I must infer, having carefully examined every source from which such license can be derived, that the taxes levied at Stade have no foundation whatever in right or justice, and that they differ in no assignable respect from the depredations of an Algerine pirate. The system in operation at Stade is a system of robbery and of outrage. If I believed that there existed any ancient custom, treaty, or engagement, which could shelter the King of Hanover in a course so ruinous to our interests, so degrading to our honour and dignity, — against him, as the lawful collector, I would not use any harshness of expression, nor attempt to excite any feeling of jealousy on the subject. I should lament over a necessity which places the King of Hanover in a situation by right, where, by exacting money for which he renders back no equivalent, he contradicts all our natural ideas of justice and propriety; I should deplore his power to obstruct the passage of our manufactures to the most valuable market on the Continent, where they are already so much let and hindered by the rising manufactures of rival nations, as well as by the prohibitions of the Berlin Confederacy; I should bewail the destiny by which that flag which has "braved a thousand years the battle and the breeze" has been compelled to yield supremacy to the might of prescription, or the allurements of diplomacy. But since this is not so, I feel that the case is one of very aggravated injury and wrong. I complain, in the name of thousands engaged in manufacturing industry, — in the name of thousands dependent on commerce and on shipping, — in the name of all to whom the honour and dignity of the country are dear, — not of the King of Hanover merely, but of those who, from their official stations, might have put down his aggressions if they would, and who have not done so. I have a very high respect for the Noble Lord; I admire his talents and his assiduity; I feel grateful to him for the fields which he has so successfully laid open to the operations of British industry. No former Minister, as far as I know, ever paid so much attention to the general interests of our commerce; but the Noble Lord must excuse me for saying that, in regard to the Stade exactions, he appears neither to have kept faith with his country, nor with his own well-deserved reputation. The parties of whose cause I am the feeble advocate are weary of these fruitless applications for redress to official boards and Government offices. They have resolved, after many years of patience, to seek reparation and protection from other quarters; and, strong in the conviction of right, — strong in the belief of their country's sympathy, — to this House, as the *parens patriæ*, which has so often redressed the wrongs of the injured, they offer their last appeal. I now move, "That it is the opinion of this House, that the tolls now levied upon British ships and cargoes in the River Elbe, by the authority of the King of Hanover, under the name of Stade duties, are of doubtful legality, oppressive in amount, and highly vexatious in the mode of exaction; and that it is therefore incumbent upon Her Majesty's Government to take the steps necessary for procuring relief from imposts so injurious to the general interests of the country."

Mr. HAWES. — Sir, in seconding the motion of the Honourable Member for Hull, it is not my intention to enter into any details, after the luminous statement which has just been made. I am exceedingly glad that the subject has been brought forward, because it will have the effect of drawing the attention of the House to the state of the river navigation of Germany; and I must say, that the Treaty of Vienna, and the stipulations therein contained, are well deserving of the attention of the Noble Viscount. I know not where the blame may rest, but many complaints have been made of the non-fulfilment of the Treaty of Vienna, with reference to the river navigation. In the case of the Elbe, the Honourable Member for Hull has made out a distinct case, in which the King of Hanover exercises an arbitrary power, without any clear right; and the interference of the Noble Viscount is absolutely necessary. I believe that nothing would more effectually tend to carry out the Treaty of Vienna than an effectual protection of the navigation of the River Elbe. I have no doubt that the Noble Viscount has both the power and the will to redress this grievance; and that the expression of the opinion of the House will materially assist him in so doing. There never was a period when the foreign policy of the country occupied so large a share of the public attention; and the most vigilant attention is required to this subject. I can fully confirm the statements of the Honourable Member for Hull, and I quite agree with him as to the services of the Noble Viscount, in the protection of our interests abroad, which, at the present time, are peculiarly entitled to consideration.

Question put.

VISCOUNT PALMERSTON. — Sir, undoubtedly the question brought forward by the Honourable Member for Hull is one of great interest and importance to the commerce of the country; and so far I agree with the Honourable Member in the view which he has taken of the subject. On the other hand, however, I am afraid that the question is not quite so simple in its elements as the Honourable Member appears to consider it. I apprehend that it is a question very complicated in its bearings, not only upon old treaties, and old transfers of territories, but upon the articles of the Congress of Vienna, and the proceedings of the conference of the plenipotentiaries, held afterwards at Dresden, which left it to the plenipotentiaries of states bordering upon the Elbe and its confluents to settle the details of the principle agreed upon. The subject has not been allowed to sleep since the last discussion took place; for we have earnestly pressed the Government of Hanover to come to an arrangement, which should place the question upon a rational and fair footing, consistent with what the commerce of the country demands. It was only last month that an answer to the representations made by our minister at Hanover was received by our Government. That answer is at present under the consideration of my Right Honourable Friend the President of the Board of Trade; and we are considering the steps necessary to be taken. Now, that being the state of the matter, — it being a subject of negotiation between the two Governments, — I think my Honourable Friend and the House will feel that it would, perhaps, be premature to come to the resolution proposed by my Honourable Friend; and therefore I would suggest to him, at all events for the present, to postpone calling on the House for the expression of a positive opinion, such as that contained in the resolution, and to allow Her Majesty's Government — of whose sincerity and good intentions he can entertain no doubt — to proceed in such a way as will enable us to see whether we cannot, by negotiation, place the matter on a footing satisfactory to the House, and to the commercial interests of the country Under these circumstances,—the matter being now under negotiation between the two Governments, — I think my Honourable Friend will feel that it cannot be expedient or advantageous for me to enter into a discussion of the various questions started with regard to the rights of Hanover either to levy tolls at all, or to levy the particular tolls of which complaint is made. At the same time, I am quite prepared to say that the tariff under which they are claimed is not a tariff which Hanover is entitled to enforce; and it is on that footing, that the negotiations with Hanover have hitherto been placed. This is a question in which England is not alone concerned; because negotiations have been going on between Hamburg and Denmark with Hanover, on the same subject. I will not, therefore, go into an investigation of the particular grounds on which my Honourable Friend has brought forward his motion; but I will only submit to his consideration, whether it would not be better, even with a view to the objects which both my Honourable Friend and myself contemplate, not to press his motion on the House, with the view of coming to a decision, when we have not, in a parliamentary sense, sufficient grounds for deciding the question; and when, moreover, the latter part of the resolution is unnecessary, because the Government is employed actively and sedulously in taking steps for the relief of the commerce of the country from the vexatious interference of which the petitioners complain.

My Honourable Friend who seconded this motion stated, what is undoubtedly true, that the free navigation of the great rivers of Europe is a matter of the highest importance to all commercial nations; and, perhaps, it is also true that the different powers which, by the Treaty of Vienna, were deputed to arrange those matters, have not, with respect to all those rivers, been as active in carrying the stipulations of the treaty into effect as might have been expected, even with regard to their own interests; because, although, with regard to the Rhine, a convention was held and regulations were established, yet there are many other large rivers, with regard to which no such proceeding has hitherto taken place. There is at this very moment an unsettled question between the Governments of Spain and Portugal, with regard to the navigation of the Douro, one of the rivers coming within the stipulations of that treaty; and the Danube also, one of the most important rivers in Europe, is one to which, undoubtedly, the stipulations of the Treaty of Vienna must now be considered applicable, — I say, must now be considered applicable,—because Russia having acquired, by the Treaty of Adrianople, possession of the lower part of the Danube, and the upper part being in the hands of Austria, and these two powers being both parties to the Treaty of Vienna, I apprehend that the stipulations of the treaty must now be considered as applicable to the Danube, whatever might have been the case when the river was in the possession of Austria, which was, and of Turkey, which was not, a party to that treaty. As to the accumulation of deposits at the Soulineh mouth of the Danube, the subject has not escaped our consideration; and we have had communications with Austria and Russia, for the purpose of effecting the removal of these obstructions. They are not difficult of removal; and I understand measures have been taken for the purpose of restoring the channel to its original depth, so as to admit vessels drawing thirteen or fourteen feet water. I can assure my Honourable Friend and the House, that Her Majesty's Government are duly impressed with the extreme importance of our commercial interests; because every man who takes even the most superficial or shallow view of our position as a nation, must be convinced that the political power, nay, the existence of the independence of the country, depends on the resources which our commerce affords; and therefore, any Government that can be inattentive to what constitutes the fundamental support of our political importance and power, must be extremely unfit for the management of those affairs intrusted to their charge. I think that we have done something towards the promotion of our commercial interest. I will not say that we have done all that we wished to accomplish; because we have had to deal with other nations which did not participate in our views; and the House must be aware, that although, in this country, public opinion is so enlightened on matters of commerce as to make it less difficult than at former times, to carry points connected with commercial intercourse ; yet, in other countries, considerable difficulties arise, from the want of that information which is diffused throughout this nation, and also, perhaps,—we must not disguise it from ourselves, — from jealousy of our political power, and a wish, in many quarters, rather to reduce those resources whence our political power derives so peculiarly its strength. I can assure my Honourable Friend that, not only with respect to this particular matter, but to all matters in which our commerce is concerned, we are anxious to do all in our power to increase our commercial facilities; and we shall feel obliged to any Honourable Gentleman who will point out measures which may not have suggested themselves to our minds, and who will assist and strengthen us in carrying those measures through; so that, in our negotiations with other powers, it may appear that we are not merely speaking the opinions of the executive Government, but responding to the deep feeling of the country, by which we shall be backed in any measures that it may be necessary to take for the protection of our interests and the enlargement of our commercial intercourse.

MR. A. CHAPMAN. — I shall give my cordial support to the motion of the Honourable Member for Hull, because I am convinced that the Stade duties are highly detrimental to the interests of this country, without the collecting powers conferring a single benefit in return. I should be the last man to take away the revenues of any monarch or state, where a wish was manifested to increase the facilities of navigation, and different nations are placed on an equal footing. I object to the commerce of the country being saddled with a tax of this description; and if no other means can be found of getting rid of it, I would recommend the purchase of the interests of the King of Hanover, in order to relieve this country from a burden of so odious a nature.

SIR WALTER JAMES. — If my Honourable Colleague would have taken my advice, he would, prior to bringing this motion under the notice of the House, have moved for the production of certain papers, in order to ascertain the state of the negotiations alluded to by the Noble Viscount. But I do not think my Honourable Colleague is altogether wrong in the course which he has taken, considering the very meagre information which is generally afforded by documents from the Foreign Office. Although I rather doubt the propriety of pressing the motion, after what has fallen from the Noble Viscount, still, if a division should take place, I feel bound to vote with my Honourable Colleague; because, in the resolution which he has proposed, I see nothing which I can contradict or controvert. My Honourable Colleague has stated that the duchy of Bremen was purchased in the reign of George I., by 150,000*l.* of British money; and that the British Ministers of that day considered the purchase a very appropriate one; and that the money was judiciously expended, inasmuch as it was calculated to secure British interests in the town of Stade. That town, however, has now become the instrument of great oppression, and is a means of great obstruction to our trade, in that quarter, if it does not threaten its total extinction. I do not intend to enter into the question of the legality of the dues, because my Honourable Colleague has already very fairly and fully discussed that part of the subject. What I chiefly rely upon is, the Treaty of Vienna, and the convention which followed that treaty. By that treaty it was provided " that the duties on navigation shall be regulated in a uniform and settled manner." Now, so far from these duties being regulated in a uniform and settled manner, they are levied in a manner directly the reverse. The treaty further states, — " and with as little reference as possible to the different qualities of the merchandise." But is that the case, if, by a clerical error, an entry is made of cotton bales instead of cotton twist, or *vice versâ*, the individual is subjected to a penalty to the amount of 215*l.*? I recollect an instance in which a quantity of stationery was sent out in the Elbe packet, and because a few knives and scissars were included in the package, the vessel, which belonged to a most respectable merchant, was detained for five months; and only released on the payment of a fine, and heavy expenses. I can bear my testimony to the correctness of the statement made with respect to the Severn, because Captain Knocker, a gentleman of the highest respectability, intrusted his case to me, which certainly evinced a most tyrannical disposition on the part of the officer at Hanover; and I am bound to say that the exaction then practised was extremely unjust and unwarrantable. Now, although I am very unwilling to bring any charge against the Noble Viscount, I must say, that if a Noble Duke in another place (the Duke of Wellington) had been at the head of the Foreign Office, these matters would have been settled long ago. With respect to the negotiations now pending, I think an expression of opinion on the part of the House will materially assist the Noble Viscount; and unless he gives a positive assurance that such a course of proceeding will place him in a situation of difficulty, I shall feel bound to support the resolution of my Honourable Colleague.

Mr. LABOUCHERE. — I rise, Sir, not for the purpose of entering into this discussion, but rather to add my request to that of my Noble Friend, that the Honourable Member for Hull will be satisfied with the discussion which has taken place, and not think it necessary to press his resolution to a division. If my Honourable Friend should not yield to the suggestion, I believe that many Honourable Members, who concur in the view which he has taken, will feel inclined to oppose the motion; and I am afraid that their votes will be misconstrued on this occasion. I should be sorry to give a vote which might seem to imply that the propositions contained in the resolution are not founded on truth and justice. I confess that I have read, with much attention, the records in the office with which I am connected, and I feel very great difficulty in saying that these tolls are not of doubtful origin. Where claims are made, resting on the construction of so many treaties, and complicated by the arrangements subsequently made by the Treaty of Vienna, it is extremely difficult to say whether they are well founded or not. I find that the states bordering on the River Elbe have experienced considerable difficulty in arriving at a conclusion; and I imagine they agreed to waive the abstract question, in order to come to some practical arrangement with the King of Hanover, and to induce him to consent to what every one must admit to be a fair reduction of the duties at present levied, to the amount which can be legally exacted, and the abolition of all the vexatious regulations by which the levy is accompanied. My Noble Friend has intimated that it is the intention of the Government to insist upon the dues being placed on such a footing; and even the Government of Hanover admit that the duties and regulations, in their present condition, are utterly indefensible. I therefore trust that, in a very short time, they will be satisfactorily arranged; and I should be sorry to find the present attempt at an adjustment postponed until the complicated and difficult question — whether Hanover has a right to impose these tolls or not — be finally disposed of. These two branches of the subject should be kept entirely distinct. Entertaining these opinions, and not being prepared to give a direct negative to the motion of my Honourable Friend, I trust he will consent to withdraw it; otherwise, I shall be under the necessity of moving the previous question, in order to avoid an expression of the opinion of the House on the subject. My Honourable Friend has alluded to the practical hardship inflicted on the port of Hull, by the effect of the Stade duties on steam navigation. He justly says, that, notwithstanding our relations of reciprocity with Hamburg, the oppression of these duties is such, that it imposes a burden on steam-boats, to which other vessels are not subjected; and, consequently, that the steam-boat proprietors find themselves in a different position from that in which they ought to be placed, by the treaty between Hamburg and this country. That subject has engaged the attention of the Board of Trade, and has been referred to the law officers of the Crown; and we shall not be wanting in defending the right of British merchants, if there be good ground for so doing. I hope my Honourable Friend will not think the Government lukewarm on this subject; for they have taken an opportunity of urging on the Hanoverian Government the necessity of making some alterations in the matter; and I trust that he will consider he is best discharging his duty to his constituents, — whose cause he has so ably advocated, on this and on other occasions, — by accepting the pledge of the Government, that no exertion shall be wanting on their part, to accomplish the object which he has in view.

Mr. HUME. — Sir, whatever may be the result of the proposition of my Honourable Friend, the British public are greatly indebted to him for bringing the question before the House. I have certainly heard with great satisfaction the declaration of the Noble Lord, that he is anxious to have the support of the House on questions connected with the foreign commerce of the country; and I can assure him that whenever he takes a proper course, he will find the House desirous of rendering him every assistance. I wish those parties who have so long plundered British commerce to understand that there is not a dissentient voice to the resolution of my Honourable Friend; and I trust the Noble Lord will persevere with his negotiation, in the full confidence that every Honourable Member is convinced that the proceedings which have taken place on this subject are most unjust and vexatious. I believe that a vote of this House would greatly strengthen the Noble Viscount in the course which he is now pursuing. The Noble Viscount may say that he and his colleagues are actively engaged in arranging this matter. But what degree of activity have they manifested? Why has it slept since the year 1824? The Honourable Baronet opposite (Sir W. James) wished the House to understand that if the Duke of Wellington had had the management of the affairs of the country, a different course of proceeding would have taken place. But from 1824 to 1830, when the Noble Duke was in power, British commerce was plundered exactly in the same manner. The fact is, that both Governments have neglected their duty. Does the Honourable Baronet believe that any Minister of England would attempt to take out of the pockets of the King of Hanover 70,000*l.* or 80,000*l.* per annum? A complete system of cajolery has too long been pursued; and the British public have been plundered, for the purpose of supporting the King of Hanover. The Noble Viscount is aware that memorials have been sent to the Government, by merchants connected with this trade, and that they have been unable to obtain any redress; and I think, when they have been trifled with in this manner for ten years, the House ought to interfere in the matter. There would be no difficulty in effecting an arrangement, if energetic steps were taken. Some time since, when a dispute arose with one of the Mexican states, a 74 and a few frigates settled it very quietly. A misunderstanding has lately arisen between this country and China, and we are now sending out vessels in a similar manner. Let the Noble Viscount moor a 74-gun ship at Stade and he will find that quite sufficient. We are not going to declare war against China; but merely to carry on a friendly communication, conducted by an officer in a 74, accompanied by six or seven frigates, and several steamers. Let a friendly communication of that nature be sent to Hanover, and it will have the desired effect. I trust, the next time the Severn proceeds up the Elbe, she will be accompanied by the Plutus, or some other armed steam-vessel, from Chatham; and the question of our commercial relations will be settled in the course of a very few minutes. If my Honourable Friend divide, I shall certainly vote with him; and I trust that the House will unanimously support the motion, in order to strengthen the Government in their attempt to convince the King of Hanover that his conduct has been exceedingly vexatious, and that his regulations are a great impediment to the trade of this country.

SIR F. TRENCH. — Sir, connected as I am with the shipping interest, I have heard with great pleasure the statements of the Noble Viscount, and the Right Honourable Gentleman opposite; and I am extremely anxious to see their promises realised. If the Honourable Member for Hull persists in dividing the House, I shall take it as a symptom of distrust, on his part, of the professions of the Noble Viscount; but he shall certainly receive my cordial support. Some expressions have been used in the course of the debate, which would have been much better avoided; for I think the King of Hanover is fully disposed to show his gratitude and regard to England; and I was extremely sorry to hear him compared with the Dey of Algiers.

VISCOUNT PALMERSTON. — I beg to move the previous question.

Mr. HUTT. — I endeavoured, in the course of my statement, to avoid making any personal allusions; and I cannot admit that I said anything improper. I repeat, that, if the conduct of the King of Hanover cannot be justified by any existing law or treaty, I can discern no difference between the contributions which he forcibly and illegally levies on the Elbe, and the depredations of an Algerine corsair. My observations do not apply more to the present than to the preceding Sovereigns of Hanover. The question now under the consideration of the House is one of immense importance to the country; and I must say, that I have heard with great satisfaction the remarks of the Noble Viscount, and of the Right Honourable Gentleman the President of the Board of Trade, — and, indeed, of every Honourable Member who has spoken on the subject; — for the unanimous opinion appears to be, that these dues are of a doubtful character. I do not think the Right Honourable Gentleman has stated the case with his usual candour; for he says the question is complicated and doubtful Now, I deny that it is either doubtful or complicated. But that is not a part of the question on which the House has to decide. I stated, at the outset, that I did not doubt the right of the King of Hanover to levy a toll at the Stade. My complaint is, that he pushes that right to a most improper and unwarrantable extent; an extent inconsistent with a due regard either to the commercial interests of this country, or to its honour and dignity. The Right Honourable Gentleman says that it was in consequence of the difficulty of the question, that the Convention of Dresden did not peremptorily decide on the subject; but I have read the records of that convention with very different feelings. With the exception of the ministers of Hamburg and Denmark, the whole of the parties there assembled were traitors in the camp: and it was in consequence of the imposing attitude of England, whose Sovereign's personal interests were engaged in the question, that the proceedings terminated in that unsatisfactory manner. I entertain very considerable doubt whether I ought to accede to the proposition of the Noble Viscount, because, twelve months ago, he met this proposition with nearly a similar statement. I then gave way, in the hope that the Noble Viscount was about to make a satisfactory settlement of the question. And what has been done? The Noble Viscount has induced the King of Hanover to forego the duties on gentlemen's walking sticks, umbrellas, and carpet bags; and that I believe to be the extent of the Noble Viscount's success. But the Noble Viscount says that he is negotiating. My complaint is, that he has been negotiating too long; for it is the system of negotiation and treaty that has enabled the King of Hanover to continue, for the last quarter of a century, this species of oppression. Still I cannot, on this occasion, resist the feeling of the House and the expressed wish of the Noble Viscount and my Right Honourable Friend. I trust that they will bear in mind the great interests involved in this question, and that they will actively and zealously apply themselves to the task of redressing those grievances of which our merchants so justly complain.

The previous question, "That that question be now put," was put, and negatived.

BENJAMIN MILLS.

On the motion of Lord Teignmouth, the petition of Benjamin Mills (presented 3d February) read.

LORD TEIGNMOUTH. — Sir, in bringing this case before the House, I will endeavour to state the facts connected with it as briefly as I possibly can. Benjamin Mills, the petitioner, is the representative of a class of persons — about twenty-five in number,—who were removed from their situations as surveyors of taxes, in consequence of the consolidation of the duties of that department; and, on their removal, they naturally looked for some compensation. The income of Mr. Mills, during the war, was about 500*l.* a-year; after the peace, it was reduced to 300*l.*; — so that the medium is 400*l.* That income was made up of salary and emoluments; the former amounting only to 90*l.* The Act of the Right Honourable Baronet the Member for Pembroke (the 4 & 5 William IV. cap. 94.) specifically provided for cases of this description; and I wish to ask why this gentleman is not to receive an allowance of three fourths of the amount of his salary and emoluments, according to the scale there laid down? What has been done with regard to the officers admitted into this department at a subsequent period? Why, the very person who succeeded Mr. Mills receives a salary of 400*l.* a-year, calculated upon the salary and emoluments of the three preceding years; and when that gentleman retires from office, he will be entitled to an allowance of eight twelfths of that amount, provided he has performed its duties for the specified period. I wish to call the attention of the House to the opinion of Sir W. Follett, who has regarded both the letter and spirit of the Act, upon a case precisely similar. He says, —

> If the emoluments of the office, which are here stated to amount to 182*l.*, arose from the receipts of money authorised to be taken by the statutes referred to, or by any other legal authority, it appears to me that the amount of superannuation allowance should have been calculated with reference to the salary and emoluments jointly; and that the Lords of the Treasury might, under the Act, have awarded six twelfths of such joint amount. I do not think, however, that the Lords of the Treasury were legally bound to do so, or could be compelled to award any greater sum than they have done.

This opinion, no doubt, is founded on the last clause of the Act, which provides, "that nothing in the Act shall be construed to give any person an absolute right to compensation or a superannuation allowance." The 43d of George III. also specifically alludes to the emoluments, which were subject to the income tax. The Right Honourable Gentleman may say that there was a superannuation fund formed by 2½ per cent. levied upon the salary, and not upon the emoluments, of these officers. But I contend that that arrangement has nothing to do with the present transaction, and that it is quite a different fund. I do not impute any unkindness to the Right Honourable Gentleman, but I think this a very hard case. The fact is, that these gentlemen, after having moved in very respectable spheres, unjust and vexatious. I believe that a vote of this House would greatly strengthen the Noble Viscount in the course which he is now pursuing. The Noble Viscount may say that he and his colleagues are actively engaged in arranging this matter. But what degree of activity have they manifested? Why has it slept since the year 1824? The Honourable Baronet opposite (Sir W. James) wished the House to understand that if the Duke of Wellington had had the management of the affairs of the country, a differe[illegible] course of proceeding would have t[illegible] place. But from 1824 to 1830, wh[illegible] Noble Duke was in power, Briti[illegible] merce was plundered exactly in [illegible] manner. The fact is, that bot[illegible] ments have neglected their [illegible] the Honourable Baronet be[illegible] Minister of England wo[illegible] take out of the pockets [illegible] Hanover 70,000*l.* or 80 [illegible] A complete system of [illegible] been pursued; and t[illegible]y been plundered, for [illegible] not so to ing the King of P[illegible] explanation has count is aware [illegible] similar cases; and so sent to the [illegible] Right Honourable Gen- connected wi[illegible] Member for Pembroke that have been [illegible] of the Treasury was in con- and I thi[illegible] with the Act and with equity, that with in [illegible] it his support. I will, now, turn House [illegible] the case itself, of which the Noble Lord Ther[illegible] does not seem to be fully aware. The an[illegible] situation in which this gentleman is ta[illegible] placed is not attributable to the present Treasury Board, but is the effect of an old established rule. The old Superannuation Act laid down a general rule that a certain deduction should be made from the salaries of certain officers therein specified, who, when they retired, should be, in consequence of such deductions, entitled to a proportionate amount of retiring allowance. The case of these surveyors came before the Treasury, and was well considered at the time; and every case has been decided by them in a similar way. To every application, in which an officer has sought to ground his retiring allowance on the amount of his emoluments, the Lords of the Treasury have said, — "If you had calculated the emoluments when the annual deductions were to be made, you would be entitled to have them considered, now, as a ground of claim; but you cannot cut both ways, and be allowed to reckon them as part of your salary, for the purpose of increasing your allowance." I trust the House will come to the same conclusion which it did on a former occasion. It would be an extremely inconvenient practice to en- regulations are a gr[illegible] trade of this cou[illegible]

SIR F. T[illegible] I am with[illegible] heard w[illegible] of th[illegible] Hon[illegible] an[illegible] [illegible]islature, as expressed [illegible]ance of the different statutes. [illegible] fully considering the subject, I am of opinion that the amount of money received by these individuals, as surveyors of taxes, from whatever source it was derived, was dry salary, according to the true construction of the Act. The Noble Lord has referred to the 43d of Geo. III. as giving the right, and showing that these emoluments were legal receipts; but that is not the most material part of the Act. Under that Act, every person who made a false Return was liable to the payment of a double duty; and the individual making the discovery was entitled to receive the whole of the excess of the duty which he, by his vigilance, had occasioned to be charged upon the individual. The Legislature thought proper, after the lapse of seven years, to make an alteration; and, by the 50th of Geo. III., this regulation was introduced — that whatever was surcharged by the vigilance of the officer, out of that surcharge he should receive a compensation as a part of his salary. The amount of salary received by the surveyor was thus made uncertain in amount, because he had only a small fixed allowance, the real amount being actually dependent on his vigilance. When we consider the present Act, I think its provisions are too plain to be mistaken; and I beg the attention of the Right Honourable Gentleman to this point. If any reasonable doubt be entertained, I admit that the Treasury have a right to exercise their discretion; but where the words of the Act are clear and distinct, every individual ought to have the full benefit of them. The general words refer to salary only. No officer is to receive more than a certain

" his salary. But, the mo- 'rticularises, these words 'n order to show the 'l "salary:" — "To 'son who shall have 'er fifteen years, ', exceeding in 'nnual salary –evidently 'n the in- 's case, 'being ' he 'e

.. Ho- .e acted as ., must be aware .. the assessors, whose . hold an even hand between ..ic and individuals, and that 52*l.* ,ear is a very insufficient compensation for thirty-five years' services. I would ask, is it politic to tell public officers that nobody in the world so little deserves to be well served as the public, because nobody is so niggardly as the public in rewarding its servants on their retirement, after a long and faithful discharge of their duties? I again urge on the Right Honourable Gentleman the propriety of a full examination of this case. If there be anything like a contract on the part of these gentlemen, by which they have waived the benefit of the legislative provision in their favour, let them be excluded from it; but let it be on the distinct understanding, that justice has been done them, and not that the Act has been passed by, and that, in the exercise of their discretion, the Lords of the Treasury have reduced an income of 400*l.* to a mere allowance of 52*l.* Mr. Mills is labouring under a double disadvantage; for he can receive nothing from the private fund, in consequence of having purchased an annuity for his life of 50*l.* a-year. He is thus excluded from the receipt of 30*l.* a-year, to which he would otherwise have been entitled. In order to satisfy a class of most respectable men, who have a strong claim on the sympathy of the public, I trust the House will agree to the appointment of a Committee.

Mr. HUME. — So far from thinking the Treasury niggardly, or the public servants ill paid, I believe that if a Committee be fairly appointed to consider the burden imposed on the public by this compensation system, it will appear that the Treasury have been too liberal. My opinion is, that these parties have no claim whatever to any allowance. If a Committee is to be appointed, let its inquiries be general; let the question of too much, as well as that of too little, be discussed; and if that be done, I pledge my existence that the result will be a recommendation of large reductions.

LORD TEIGNMOUTH. — Sir, the Right Honourable Gentleman the Chancellor of the Exchequer stated that the 'ight Honourable Baronet the Member Pembroke did, on a former occasion, 'e a motion of this kind; but I ..ık there must be some mistake on that point. In the early part of the present evening, the Right Honourable Baronet gave precisely the same interpretation of the Act which I have done; and, on my asking the cause of his opposition, he stated that there must have been some special circumstances in the case, and that some bargain must have been made with the Gentlemen. Now, I think that any person making such a bargain would have been exceedingly unwise. But from all I have heard, the parties in the present case have no idea of any such bargain as that; and I would appeal to the House whether a private arrangement of that kind ought to defeat the intention of the Legislature. I have heard nothing to induce me to alter my determination; and I shall therefore press the question to a division.

The CHANCELLOR of the EXCHEQUER. — There was no contract entered into.

The House divided: — Ayes 17, Noes 42; Majority 25.

AYES.

Bramston, T. W.
Chapman, A.
Chute, W. L. W.
Dick, Q.
Ellis, W.
Farnham, E. B.
Halford, H.
Mackinnon, W. A.
Maunsell, T. P.
Packe, C. W.
Plumptre, J. P.
Round, C. G.
Rushbrooke, Colonel
Turner, E.
Vere, Sir C. B.
Wodehouse, E.
Wood, B.

Tellers.
Freshfield, J. W.
Teignmouth, Lord

NOES.

Aglionby, H. A.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Bridgeman, H.

and discharged their public duties without any degree of blame, were suddenly reduced to a state of poverty and distress, except in cases where they had private incomes. I only wish that justice should be done to this respectable class of individuals by the Lords of the Treasury, who, I think, have not complied with the spirit of the Act. If the Right Honourable Gentleman can convince me that I am wrong, I will readily withdraw the motion; but if he cannot do so, I will divide the House, even if I should only receive the support of half a dozen Members. I now beg to move "that the petition of Benjamin Mills be referred to a Select Committee."

An Honourable Member. — Sir, I beg to second the motion.

Question put, — "That the said petition be referred to a Select Committee."

The CHANCELLOR of the EXCHEQUER. — Sir, although this question may be new to the Noble Lord, it is not so to the House, because an explanation has been already given on similar cases; and so satisfied was the Right Honourable Gentleman the Member for Pembroke that the decision of the Treasury was in conformity with the Act and with equity, that he gave it his support. I will, now, turn to the case itself, of which the Noble Lord does not seem to be fully aware. The situation in which this gentleman is placed is not attributable to the present Treasury Board, but is the effect of an old established rule. The old Superannuation Act laid down a general rule that a certain deduction should be made from the salaries of certain officers therein specified, who, when they retired, should be, in consequence of such deductions, entitled to a proportionate amount of retiring allowance. The case of these surveyors came before the Treasury, and was well considered at the time; and every case has been decided by them in a similar way. To every application, in which an officer has sought to ground his retiring allowance on the amount of his emoluments, the Lords of the Treasury have said, — "If you had calculated the emoluments when the annual deductions were to be made, you would be entitled to have them considered, now, as a ground of claim; but you cannot cut both ways, and be allowed to reckon them as part of your salary, for the purpose of increasing your allowance." I trust the House will come to the same conclusion which it did on a former occasion. It would be an extremely inconvenient practice to encourage applications to the House of Commons in cases of this kind; and it would have a very bad effect on the public service, if the House should interfere with the retired allowances of public officers. I must therefore resist the appointment of this Committee.

Mr. FRESHFIELD. — Sir, I hope, notwithstanding the statement of the Right Honourable Gentleman, that he will not object to the appointment of a Select Committee for the purpose of considering this petition. It would be extremely satisfactory — not only to the parties themselves, but to those individuals who look impartially at the question — to ascertain whether they are bound by any such arrangement as that to which allusion has been made. It would require a very strong agreement to supersede the obvious intention of the Legislature, as expressed upon the face of the different statutes. After fully considering the subject, I am of opinion that the amount of money received by these individuals, as surveyors of taxes, from whatever source it was derived, was dry salary, according to the true construction of the Act. The Noble Lord has referred to the 43d of Geo. III., as giving the right, and showing that these emoluments were legal receipts; but that is not the most material part of the Act. Under that Act, every person who made a false Return was liable to the payment of a double duty; and the individual making the discovery was entitled to receive the whole of the excess of the duty which he, by his vigilance, had occasioned to be charged upon the individual. The Legislature thought proper, after the lapse of seven years, to make an alteration; and, by the 50th of Geo. III., this regulation was introduced, — that whatever was surcharged by the vigilance of the officer, out of that surcharge he should receive a compensation as a part of his salary. The amount of salary received by the surveyor was thus made uncertain in amount, because he had only a small fixed allowance, the real amount being actually dependent on his vigilance. When we consider the present Act, I think its provisions are too plain to be mistaken; and I beg the attention of the Right Honourable Gentleman to this point. If any reasonable doubt be entertained, I admit that the Treasury have a right to exercise their discretion; but where the words of the Act are clear and distinct, every individual ought to have the full benefit of them. The general words refer to salary only. No officer is to receive more than a certain proportion of his salary. But, the moment the Act particularises, these words are introduced, in order to show the meaning of the word "salary:" — "To any officer, clerk, or person who shall have served ten years and under fifteen years, an annual allowance, not exceeding in amount four twelfths of the annual salary and emoluments of his office,"— evidently making the amount dependent on the individual's industry. Now, in this case, Mr. Mills received 400*l.* a-year, being salary, annual, and emoluments. When he applies for compensation, after thirty-five years' service, he is told, "Your salary was 90*l.* and not 400*l.*, and you can only receive the proportion in reference to the former sum." Now, the House ought to look to the nature of the service of these individuals, and to their station in life. Many of them are persons of the highest respectability and education; and Honourable Members who have acted as Commissioners of Taxes, must be aware of the characters of the assessors, whose duty it was to hold an even hand between the public and individuals, and that 52*l.* a-year is a very insufficient compensation for thirty-five years' services. I would ask, is it politic to tell public officers that nobody in the world so little deserves to be well served as the public, because nobody is so niggardly as the public in rewarding its servants on their retirement, after a long and faithful discharge of their duties? I again urge on the Right Honourable Gentleman the propriety of a full examination of this case. If there be anything like a contract on the part of these gentlemen, by which they have waived the benefit of the legislative provision in their favour, let them be excluded from it; but let it be on the distinct understanding, that justice has been done them, and not that the Act has been passed by, and that, in the exercise of their discretion, the Lords of the Treasury have reduced an income of 400*l.* to a mere allowance of 52*l.* Mr. Mills is labouring under a double disadvantage; for he can receive nothing from the private fund, in consequence of having purchased an annuity for his life of 50*l.* a-year. He is thus excluded from the receipt of 30*l.* a-year, to which he would otherwise have been entitled. In order to satisfy a class of most respectable men, who have a strong claim on the sympathy of the public, I trust the House will agree to the appointment of a Committee.

MR. HUME. — So far from thinking the Treasury niggardly, or the public servants ill paid, I believe that if a Committee be fairly appointed to consider the burden imposed on the public by this compensation system, it will appear that the Treasury have been too liberal. My opinion is, that these parties have no claim whatever to any allowance. If a Committee is to be appointed, let its inquiries be general; let the question of too much, as well as that of too little, be discussed; and if that be done, I pledge my existence that the result will be a recommendation of large reductions.

LORD TEIGNMOUTH. — Sir, the Right Honourable Gentleman the Chancellor of the Exchequer stated that the Right Honourable Baronet the Member for Pembroke did, on a former occasion, oppose a motion of this kind; but I think there must be some mistake on that point. In the early part of the present evening, the Right Honourable Baronet gave precisely the same interpretation of the Act which I have done; and, on my asking the cause of his opposition, he stated that there must have been some special circumstances in the case, and that some bargain must have been made with the Gentlemen. Now, I think that any person making such a bargain would have been exceedingly unwise. But from all I have heard, the parties in the present case have no idea of any such bargain as that; and I would appeal to the House whether a private arrangement of that kind ought to defeat the intention of the Legislature. I have heard nothing to induce me to alter my determination; and I shall therefore press the question to a division.

The CHANCELLOR of the EXCHEQUER. — There was no contract entered into.

The House divided: — Ayes 17, Noes 42; Majority 25.

AYES.

Bramston, T. W.
Chapman, A.
Chute, W. L. W.
Dick, Q.
Ellis, W.
Farnham, E. B.
Halford, H.
Mackinnon, W. A.
Maunsell, T. P.
Packe, C. W.
Plumptre, J. P.
Round, C. G.
Rushbrooke, Colonel
Turner, E.
Vere, Sir C. B.
Wodehouse, E.
Wood, B.

Tellers.

Freshfield, J. W.
Teignmouth, Lord

NOES.

Aglionby, H. A.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Bridgeman, H.

Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Collier, J.
Currie, R.
Fielden, J.
Gisborne, T.
Gordon, R.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hughes, W. B.
Hume, J.
Hutton, R.
Langdale, Hon. C.
Lister, E. C.
Lynch, A. H.
M'Taggart, J.
Macaulay, Right Hon. T. B.
Morpeth, Lord Visct.
Morris, D.
O'Connell, M. J.
Palmerston, Lord Vt.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Pigot, D. R.
Richards, R.
Rundle, J.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Warburton, H.
Yates, J. A.

Tellers.

Steuart, R.
Parker, J. (Sheff.)

BANKING ESTABLISHMENTS.

Mr. WODEHOUSE. — Sir, pursuant to the notice which I have given, I rise to put a question to the Chancellor of the Exchequer, prior to his nomination of the Committee on Banking. My question relates to a petition which appears in the Appendix to the Ninth Report of Public Petitions. It is a petition from the bankers, traders, and merchants of Manchester, showing that great losses have of late been incurred by them in consequence of the fluctuations in the value of money; that severe privations and sufferings have been endured by the industrious classes in that neighbourhood; and that similar fluctuations, producing similar calamitous results, have been, in the memory of the petitioners, of frequent occurrence. The petitioners, therefore, pray this Honourable House to appoint a Committee on the earliest possible day to ascertain how far the present laws which regulate the currency have been instrumental in producing these evils, with the view of providing a remedy. My question is this: — Does the Chancellor of the Exchequer mean to refer this petition to the consideration of the Committee, or does he not? If referred, is it to be so, with a view to provide a remedy for the evils of which the petitioners complain? If excluded, on what grounds? and, lastly, whether, in that case, such a petition, of such a nature, coming from such a quarter, and at such a moment, ought to be excluded from the consideration of that Committee, which, if I rightly understood the Right Honourable Gentleman, is to be specifically appointed for entering into a preliminary consideration of the principles on which the paper circulation of the country is to be regulated for the time to come?

The CHANCELLOR of the EXCHEQUER. — Sir, it certainly was my intention to refer that petition to the Committee; and that being the case, of course it is not necessary for me to give any reasons for not doing so.

Mr. WODEHOUSE. — Does the Right Honourable Gentleman, in giving me that answer, mean to admit that he is aware of the evidence offered in 1826 by Mr. Lloyd, before the Committee of the House of Lords, showing that nine parts out of ten of the circulation of Manchester consisted of internal bills of exchange?

The CHANCELLOR of the EXCHEQUER. — If the House thinks it right that I should submit to a preliminary cross-examination, I shall be happy to answer any of the questions the Honourable Gentleman may think fit to put to me; but I feel that I cannot do so without entering into a statement of a more general nature than would, perhaps, be quite convenient at this moment. If the Honourable Gentleman will direct his question to any particular point, I shall be glad to give him any information as to the views which I entertain.

Mr. WODEHOUSE. — I beg to repeat my question. It is on record, from the evidence given before this House, as well as the House of Lords, that at Manchester the greater part of the circulation for many years past has consisted of bills of exchange; and I wish to know whether the Right Honourable Gentleman is aware of that circumstance?

The CHANCELLOR of the EXCHEQUER. — I am aware of the general nature of that evidence; but I do not recollect the particular point to which the Honourable Gentleman refers. I now beg to move that the following Members be nominated as the Committee: — Mr. Chancellor of the Exchequer, Sir Robert Peel, Mr. Hume, Mr. Labouchere, Mr. Goulburn, Mr. Mark Philips, Mr. O'Connell, Sir James Graham, Mr. Clay, Mr. Gisborne, Sir John Rae Reid, Mr. Oswald, Mr. Charles Wood, Mr. Rickford, Mr. John Parker, Mr. Pattison, Mr. Herries, Mr. Ellice, Mr. Serjeant Jackson, Mr. Hector, Mr. Grote, Sir Thomas Fremantle, Mr. John Abel Smith, Mr. Strutt, Mr. Matthias Attwood, and Mr. Morrison.

Question put.

SIR EDWARD SUGDEN. — Sir, I feel myself placed in a situation of some difficulty on the present occasion. During my temporary absence, I understand that my name was called; and I wish to ask whether I am to be deprived of the opportunity of submitting the motion of which I have given notice, relative to the appellate jurisdiction of the House of Lords? My absence was occasioned simply by my desire to escape from a division upon a question which I did not understand.

Mr. HUME.—I consider the rule of the House to be imperative. The Right Honourable Gentleman's name was called, not once, but twice; and not being present to reply to it, he must endure the consequence.

SIR EDWARD SUGDEN.—I have already stated the cause of my absence. I returned at the earliest moment, in order to answer to my name; and I do not think any other Honourable Member will object to my proceeding with the motion.

The SPEAKER.—The invariable rule of the House is, that if a Member be not present to respond to his name when it is called from the chair, his turn for submitting any motion which he may have placed upon the paper is lost. In the present instance, I am sure the House will bear witness that the Right Honourable Gentleman's name was not called with any haste. After the numbers of the division had been declared, I called upon the Right Honourable Gentleman twice. As the Right Honourable Gentleman was not in his place to answer to the call, according to the rule of the House, the Right Honourable Gentleman has lost his turn, and the other business must be proceeded with.

Mr. R. STEUART.—I perhaps may be allowed to state that you subsequently called the name of the Honourable Member for Finsbury, who did not answer, and that you then called on the Chancellor of the Exchequer.

SIR R. PEEL.—Sir, I did not understand my Right Honourable Friend to call in question your perfect impartiality. The point which he urged was—the propriety of giving Members an opportunity of leaving the House when they find a difficulty in saying "ay" or "no" to the particular question before the House. For my own part, I very much object to leaving the House. I think it is the duty of a Member, in almost all cases, to make up his mind in what way he will vote; but, certainly, on many occasions, it may be perfectly justifiable to decline voting; for instance, in the case of a Member coming in during the discussion of a question relating to some individual interest, and not having heard the whole debate. There may also be certain public cases in which a Member may be justified in not voting; and I think, therefore, that an opportunity ought to be given to Members to leave the House under those circumstances. I understood my Honourable Friend to say, that as he could not conscientiously give a vote on either side of the question before the House, he left the House; and, consequently, had not an opportunity, by the rules of the House, of bringing forward his motion in its turn. I think, under such circumstances, that he ought not to be prevented from bringing forward his motion.

The ATTORNEY GENERAL.—I regret that the Right Honourable Gentleman has not had the opportunity of making his statements, which I am most anxious to hear; but, by the course of proceeding established by the House, if an Honourable Gentleman declines to vote, it must be at the risk of losing his turn, from being absent when his name is called. Besides, when an Honourable Member has left the House, it cannot be known that it is his intention to return; and the consequence may be, that those who intend to oppose the motion, finding that the Honourable Member is absent when his name is called, may have left the House. I therefore think that it would be a dangerous precedent to depart from the usual course, and that it will be more convenient for the Right Honourable Gentleman to give another notice.

CAPTAIN PECHELL.—Sir, several other Members have been similarly situated. On one occasion, although I felt very little disposition to vote either way, I did vote, in order to keep my position on the paper. If the Right Honourable Gentleman should obtain permission to bring forward his motion, I trust it will not be until after the other Orders of the Day are disposed of.

SIR R. PEEL.—Sir, I do not object to the Committee; but I am sorry that the Chancellor of the Exchequer has considered it necessary to make it so very numerous. I can foresee that this must prove a very protracted inquiry; and I doubt very much whether it would not be advisable to distribute the separate branches of inquiry among different Committees. It may be said that the different branches of the subject are very much connected together; and that to have different Committees sitting on the different branches, and probably going over the same ground, is liable to much objection; but I think that there are some parts of the subject sufficiently distinct to entitle them to investigation by a Committee not exceeding eleven or thirteen Members. For instance, one great question which must be inquired into, is the policy of separating the functions of a bank of issue from the ordinary business of banking. Now, I doubt whether that would not be more satisfactorily investigated by a separate Committee, composed of a small number of Members, who would direct their exclusive attention to that subject, than by a general Committee, of not less than twenty-six members; but, at the same time, I do not underrate the force of the argument, that the different parts of the subject are very much connected together.

Motion agreed to; Committee nominated.

Mr. HUME. — Sir, after the observations of the Right Honourable Baronet, I perhaps may experience some difficulty in inducing the House to sanction the nomination of two additional members. The suggestion of the Right Honourable Gentleman must be founded either on principle or precedent. I think it cannot be founded on the latter, because the practice is not uniform. The Committees on this subject have generally been very numerous. In 1832, I believe, the Committee consisted of thirty-two members; in 1836 the number was fifteen; in the following year, nineteen; and the year after that, sixteen. The inquiry is of immense importance; and I do not see any objection to a large Committee. The additional names which I propose are those of Sir H. Parnell and Mr. Thornely. If any individual, more than another, has distinguished himself by his attention to the subject, it is the Right Honourable Member for Dundee; and I am exceedingly anxious that the Committee should have the benefit of his advice. Mr. Thornely has been extensively engaged in business as a merchant, and having now retired, can devote his exclusive attention to the subject. I beg to move "that Sir H. Parnell and Mr. Thornely be added to the Committee;" but if the Right Honourable Gentleman has any objection, I will not press the motion.

An Honourable Member. — Sir, I beg to second the motion.

Question put, — "That Sir Henry Parnell be one other Member of the said Committee."

SIR R. PEEL. — Sir, the Honourable Gentleman assumes that my suggestion was founded either on principle or precedent; but I think that I have heard propositions made by the Honourable Member, in which I could discover no foundation either in principle or precedent.

Mr. HUME. — Oh! that was your dulness of comprehension.

SIR R. PEEL. — My observation was suggested by a consideration of convenience. In 1832, there was a Committee consisting of thirty-two Members; but it was found that so numerous a Committee led to such vague responsibility, and bad attendance, that a rule was laid down that Committees should not consist of more than fifteen members, unless special reasons should exist for the appointment of a larger number; therefore I think that my observation is in conformity with precedent. I cannot help thinking that if separate Committees directed their undivided attention to some parts of the subject, the inquiry would, on the whole, be more complete.

The CHANCELLOR of the EXCHEQUER. — I cannot, of course, have the smallest personal objection to the names proposed by the Honourable Member; and I should be sorry to object to them, if I did not feel it impossible to go effectually to work with a Committee exceeding a certain number. I have been anxiously endeavouring to reduce the number as much as possible; but, looking to the various interests involved, I could not avoid naming a large Committee, for the purpose of having each of those interests fairly represented. I have been obliged, very reluctantly, to omit several names; and I therefore trust the House will not make the Committee larger.

Motion (for adding Sir H. Parnell) withdrawn.

Question proposed, — "That Mr. Thornely be one other Member of the said Committee." Motion, by leave, withdrawn.

Mr. RAIKES CURRIE.—I also wish, Sir, to add the name of an Honourable Member to this Committee. It would be presumptuous in me to allude to the more general qualifications of the Honourable Member for Bridport, as they are known and acknowledged by all parties in this House, but I may be permitted particularly to refer to his distinguished exertions on Lord Althorp's Committee in 1832. By no person who sat on that Committee were more pertinent questions put than by that Honourable Gentleman; and I am sure that, if the House were to peruse the evidence taken before it, it would see that most of the more important answers that were elicited were made in reply to those questions. It will, of course, be necessary that all the present prevalent theories, with respect to banking, be examined into by this Committee; and it is my firm belief that, for such an investigation, the critical spirit of the Honourable Member for Bridport's philosophy would be found of eminent service. After having been, for many years, extensively engaged in commercial pursuits, he has, long since, withdrawn from them; and, when I contrast the few pithy sentences that have, on so many occasions, fallen from him, in this House, upon banking and commercial matters, with that muddy torrent of figures which too often flows from the lips of many others, I am the more induced to press the Chancellor of the Exchequer to make what, I am sure, will be a very great improvement to his Committee, by the addition of the name of the Honourable Gentleman. I therefore move, Sir, "That Mr. Warburton be one other Member of the said Committee."

Motion seconded, and question put.

The CHANCELLOR of the EXCHEQUER. — I can assure the Honourable Member that it has been with very great reluctance that I have omitted the name of Mr. Warburton in the list. At the same time, if I could be assured that this would be really the last name which would be pressed upon me, I might, perhaps, be disposed to give way. But I have no assurance to that effect on the part of other Honourable Gentlemen.

SIR R. PEEL. — How will the Right Honourable Gentleman settle the matter with Sir Henry Parnell and Mr. Thornely?

[Laughter.]

Two names of, I must say, most respectable Gentlemen have been proposed, and negatived; how will the Right Honourable Gentleman assent to the third? But there are two other names still to be proposed. Will the Right Honourable Gentleman reject the two first proposed, reject, also, the two last, and admit only the middle one? He can have no guarantee that other names will not be pressed upon him. The ground which the Honourable Member for Bridport has taken upon the currency would naturally incline me, with my views on that question, to assent to the name of that Honourable Gentleman being added to the Committee; but I really do not see how the Right Honourable Gentleman can, without doing an injustice to Sir Henry Parnell, who has devoted so much attention to financial matters, consistently give way, on this motion.

Mr. WODEHOUSE. — I have heard that the Government are "made of squeezable materials;" and it is clear that the Right Honourable Gentleman is, at present, rather more in the "melting mood," with regard to the name of Mr. Warburton, than he was when that of Sir Henry Parnell was proposed.

Mr. HAWES. — I must say, Sir, that I think the Chancellor of the Exchequer has more reason to reject the name of Sir Henry Parnell than the one now proposed; inasmuch as the former Gentleman has other important public duties to perform. The case is very different with respect to the Honourable Member for Bridport. I think that that Honourable Member would elicit very pertinent answers from those who might be examined before this Committee; and I hope the Right Honourable Gentleman will, at all events, admit that there are parties, out of doors, whose names are entitled to great weight, who have urgently recommended the addition of that Gentleman to the inquiry. The object we all have at heart is, to obtain the best possible information on this important subject; and I would, by no means, appear to press the name of this Honourable Member upon the Right Honourable Gentleman, did I not think that, of the five additional names that are now before the House, the name of the Honourable Member for Bridport is the best. It would be taking the "middle course," as hinted at by the Right Honourable Baronet opposite.

Mr. R. CURRIE. — It is my intention to press my motion to a division.

The CHANCELLOR of the EXCHE-

of inquiry among different Committees. It may be said that the different branches of the subject are very much connected together; and that to have different Committees sitting on the different branches, and probably going over the same ground, is liable to much objection; but I think that there are some parts of the subject sufficiently distinct to entitle them to investigation by a Committee not exceeding eleven or thirteen Members. For instance, one great question which must be inquired into, is the policy of separating the functions of a bank of issue from the ordinary business of banking. Now, I doubt whether that would not be more satisfactorily investigated by a separate Committee, composed of a small number of Members, who would direct their exclusive attention to that subject, than by a general Committee, of not less than twenty-six members; but, at the same time, I do not underrate the force of the argument, that the different parts of the subject are very much connected together.

Motion agreed to; Committee nominated.

Mr. HUME. — Sir, after the observations of the Right Honourable Baronet, I perhaps may experience some difficulty in inducing the House to sanction the nomination of two additional members. The suggestion of the Right Honourable Gentleman must be founded either on principle or precedent. I think it cannot be founded on the latter, because the practice is not uniform. The Committees on this subject have generally been very numerous. In 1832, I believe, the Committee consisted of thirty-two members; in 1836 the number was fifteen; in the following year, nineteen; and the year after that, sixteen. The inquiry is of immense importance; and I do not see any objection to a large Committee. The additional names which I propose are those of Sir H. Parnell and Mr. Thornely. If any individual, more than another, has distinguished himself by his attention to the subject, it is the Right Honourable Member for Dundee; and I am exceedingly anxious that the Committee should have the benefit of his advice. Mr. Thornely has been extensively engaged in business as a merchant, and having now retired, can devote his exclusive attention to the subject. I beg to move "that Sir H. Parnell and Mr. Thornely be added to the Committee;" but if the Right Honourable Gentleman has any objection, I will not press the motion.

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Motion (for adding Sir H. Parnell) withdrawn.

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Motion seconded, and question put.

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Two names of, I must say, most respectable Gentlemen have been proposed, and negatived; how will the Right Honourable Gentleman assent to the third? But there are two other names still to be proposed. Will the Right Honourable Gentleman reject the two first proposed, reject, also, the two last, and admit only the middle one? He can have no guarantee that other names will not be pressed upon him. The ground which the Honourable Member for Bridport has taken upon the currency would naturally incline me, with my views on that question, to assent to the name of that Honourable Gentleman being added to the Committee; but I really do not see how the Right Honourable Gentleman can, without doing an injustice to Sir Henry Parnell, who has devoted so much attention to financial matters, consistently give way, on this motion.

Mr. WODEHOUSE. — I have heard that the Government are "made of squeezable materials;" and it is clear that the Right Honourable Gentleman is, at present, rather more in the "melting mood," with regard to the name of Mr. Warburton, than he was when that of Sir Henry Parnell was proposed.

Mr. HAWES. — I must say, Sir, that I think the Chancellor of the Exchequer has more reason to reject the name of Sir Henry Parnell than the one now proposed; inasmuch as the former Gentleman has other important public duties to perform. The case is very different with respect to the Honourable Member for Bridport. I think that that Honourable Member would elicit very pertinent answers from those who might be examined before this Committee; and I hope the Right Honourable Gentleman will, at all events, admit that there are parties, out of doors, whose names are entitled to great weight, who have urgently recommended the addition of that Gentleman to the inquiry. The object we all have at heart is, to obtain the best possible information on this important subject; and I would, by no means, appear to press the name of this Honourable Member upon the Right Honourable Gentleman, did I not think that, of the five additional names that are now before the House, the name of the Honourable Member for Bridport is the best. It would be taking the "middle course," as hinted at by the Right Honourable Baronet opposite.

Mr. R. CURRIE. — It is my intention to press my motion to a division.

The CHANCELLOR of the EXCHE-

QUER. — I by no means desire to put the House to a division upon this point. If Mr. Warburton's name be insisted upon, I shall not further object to it; and my only reason for not proposing it myself was, that I thought the Government was sufficiently represented by the names I had previously placed upon the Committee.

Mr. SHAW. — I think that it seems improper that the Right Honourable Gentleman, after he has well considered the names of the persons to be nominated, should now alter his decision.

SIR R. PEEL. — I was prepared to support the Right Honourable Gentleman in refusing to add any more names to the Committee. I myself have been pressed, by my friends, to add other names; but I said, "No, the Committee is already too numerous;" and I followed out my opinion, by resisting, with the Right Honourable Gentleman, the addition of two names already proposed. But, now, the Right Honourable Gentleman says he will give way. I, Sir, however, say that I will not give way.

[Cries of "Hear, hear!"]

I will not be placed in the painful situation of admitting Mr. Warburton now, after rejecting two other most respectable names. I never went so far, in advising a "middle course," as to say that, because a man happens to be named the third, with two before him and two behind him, you are to reject the two extremes, and therefore take the middle name. But, supposing any Gentleman should propose two names more, then there would be seven, and Mr. Warburton would lose the enviable situation of middleman, which he holds at present.

Mr. W. S. O'BRIEN. — If there be so strong a feeling, on the part of the House, in favour of the Honourable Member for Bridport, I would suggest that the better mode would be, to subtract some other name from those on the Committee, and to substitute that of the Honourable Member, should any one of the Committee consent to withdraw. I do think, however, for my own part, that there is no Member of this House who, from his knowledge upon the particular subject to be investigated, has so great a claim to be placed on this Committee.

The CHANCELLOR of the EXCHEQUER. — If the Honourable Gentleman who has made this motion will withdraw it, some other Gentleman on the Committee may, no doubt, be induced to give way, to make room for the admission of the Honourable Member for Bridport.

Motion, by leave, withdrawn.

Mr. EDMUND TURNER. — I rise to move, Sir, the addition of Mr. Blewitt's name to the Committee, because he is well acquainted with, and has taken an active part in, the management of joint stock banks, and because, on the Committee, as named, there is not one person connected with joint stock banks of issue. There are, on the Committee, three directors of private banks of issue, the governor and another director of the Bank of England, Mr. Serjeant Jackson, connected with the Bank of Ireland, and two members of private banking firms in London; and I must, therefore, make an appeal to the Chancellor of the Exchequer (for, although Sir T. Fremantle, whose name is on the Committee, is a director of a joint stock bank, yet it is not, however, a bank of issue) in favour of the Honourable Member for Newport, in order that the inquiry may be a fair and not a partial one, and that the Report may be such as to carry great weight with the country. I move then, Sir, "that Mr. Blewitt be one other Member of the said Committee."

Motion seconded, and question put.

Mr. WODEHOUSE. — I must object, Sir, to the insertion of any more names on the list of this Committee.

Mr. GISBORNE. — The House knows, Sir, that any joint stock bank in the country can, if it please, become a bank of issue; and I cannot, therefore, see any distinction between the two. Still I think that there is not a sufficient number of persons connected with these banks on this Committee.

The CHANCELLOR of the EXCHEQUER. — I think there ought to be a due proportion of persons on the Committee connected with all the different classes of banking; and I will now read the names of the parties connected with joint stock banks who are on it already. They are those of Mr. Gisborne, Sir Thomas Fremantle, Mr. Matthias Attwood, Mr. O'Connell, and Mr. Hector. I must therefore oppose this motion, if it is pressed to a division. It is not necessary to have Gentlemen absolutely in the position of directrs of joint stock banks of issue on the Committee, but Gentlemen connected and conversant with the general question. There are five Gentlemen connected with hese banks already named; and I think hat number quite sufficient.

Mr. HUME. — I hope the Honourable Gentleman, after what has taken place, will not divide the House on this name.

Motion, by leave, withdrawn.

The CHANCELLOR of the EXCHEQUER. — I have now to move, Sir, "that this Committee be a Committee of Secrecy."

Motion seconded, and question put.

Mr. HUME. — I should like to know, Sir, why a Committee upon a subject of such importance, and which excites so much interest throughout the country, should be a secret Committee?

The CHANCELLOR of the EXCHEQUER. — I must remind the House that, in all cases in which the Bank charter has been inquired into, the Committees have been secret, and have been so with the greatest advantage; as the House thereby obtained much valuable information which would not otherwise have been gained. I do not see any reason, in the present case, for departing from the former practice.

Mr. SMITH O'BRIEN. — I trust that this is not to be a final decision; and if the Honourable Member will press his objection to a division, I certainly shall divide with him.

SIR R. PEEL. — If the appointing of this Committee of Secrecy implied that our proceedings should be of a secret nature, I should object to it; but the Committee on Joint Stock Banks was equally called a Committee of Secrecy. No one was excluded from that inquiry; which was open to the Members of the House. That Committee called for information respecting the private affairs of the Bank, and the result of that information was very valuable. When the chairman of the Committee is placed in a situation to say to witnesses, "If you furnish us with this private information, we will derive our results from it, without disclosing the details," there will be a general acquiescence in granting that information. He is able to gain for the public the results, without giving those minute disclosures of a private nature which parties may reasonably object to. I think that, by making this a Committee of Secrecy, you will have a greater command of useful information.

Mr. HUME. — I think it should not be a secret Committee; and I shall therefore consider it my duty to divide the House upon the question.

Question put, "That the said Committee be a Committee of Secrecy."

The House divided: — Ayes 33, Noes 23; Majority 10.

AYES.

Baines, E.
Baring, Rt. Hon. F. T.
Barry, G. S.
Bowes, J.
Bramston, T. W.
Brodie, W. B.
Bruges, W. H. L.
Chetwynd, Major
Dick, Q.
Douglas, Sir C. E.
Fremantle, Sir T.
Freshfield, J. W.
Goulburn, Rt. Hn. H.
Graham, Rt Hn. Sir J.
Hobhouse, Rt. Hon. Sir J.
Hodges, T. L.
Hodgson, R.
Hughes, W. B.
Lynch, A. H.
Mildmay, P. St. John
Morpeth, Lord Visct.
Palmerston, Lord Vt.
Peel, Rt. Hon. Sir R.
Pigot, D. R.
Rae, Rt. Hon. Sir W.
Round, C. G.
Rundle, J.
Shaw, Rt. Hon. F.
Style, Sir C.
Tufnell, H.
Wodehouse, E.
Wood, G. W.
Yates, J. A.

Tellers.
Clay, W.
Gordon, R.

NOES.

Aglionby, H. A.
Bainbridge, E. T.
Beamish, F. B.
Blewitt, R. J.
Brotherton, J.
Duke, Sir J.
Dundas, C. W. D.
Ellis, W.
Fielden, J.
Gisborne, T.
Hindley, C.
Hobhouse, T. B.
Langdale, Hon. C.
Lister, E. C.
M'Taggart, J.
Morris, D.
O'Connell, M. J.
Pechell, Captain
Rushbrooke, Colonel
Salwey, Colonel
Turner, E.
Vere, Sir C. B.
Vigors, N. A.

Tellers.
Hume, J.
O'Brien, W. S.

Mr. HUME. — I wish to ask the Right Honourable Gentleman in the chair what I am to understand by secrecy, as applied to this Committee?

The SPEAKER. — As the House has decided that the Committee shall be a secret one, the Honourable Gentleman, for example, will not be allowed to disclose any of its proceedings.

[Laughter.]

Mr. HUME. — Then all I can say is, that the Committee will be useless.

Ordered, That the Committee have power to send for persons, papers, and records; five to be a quorum: petitions presented this Session relative to currency and banking referred; Reports of former Committees on banking referred.

MENDICANCY (IRELAND).

LORD VISCOUNT MORPETH.—In pursuance, Sir, of the understanding that prevailed when the Irish Poor Law Bill was before the House, that some measure affecting vagrancy in Ireland should afterwards be brought forward as a distinct and separate question;—in pursuance of the recommendations of the English and Irish Poor Law Commissioners;—and in pursuance of resolutions which have been presented from various quarters, either to the Poor Law Commissioners themselves or to the Government, upon this subject,—I have given notice of my intention to move for leave to bring in a Bill for the suppression of disorderly mendicancy in Ireland. The existing laws upon this subject in Ireland are liable to these objections and to these practical defects,—that their definitions are obsolete and uncertain, or that they subject the parties to such severe penalties as to defeat the object for which they were enacted. They give the extreme punishment of transportation for vagrancy; and, indeed, such is their severity, that, being repugnant to the feelings of the people, they cannot, without the utmost difficulty, be enforced. In the Bill I now move for leave to introduce, I have adopted so much of the vagrancy law of England as relates to the suppression of mendicancy, without incorporating that portion of the English law which relates rather to matters fit for a police code than to the subject of the poor laws. I have endeavoured to make the provisions of my Bill as simple and definite, and the penalties as mild and as considerate, as the difficulties of the subject will allow. My object is, to relieve the proprietors, and particularly the poorer portion of the proprietors, of the soil from the double charge to which they are now, for the first time, subjected,—namely, that to which they are liable under the New Poor Law Act, and that to which, in all times past and present, they have been subjected, by a regular and organised system of mendicancy,—an evil which has risen to its present height, partly owing to the naturally good feelings of the occupiers of the soil, partly to fear, and partly to the dread of the Divine vengeance in case of their refusal to give alms. The Bill which I propose will not apply so strongly to the wealthy class, or to the absentee proprietors, as they are sufficiently protected from this evil, and their lawns, and parks, and avenues are sufficiently guarded against the intrusion of the mendicant's footstep. It is the cabin, that is most open to the winds of heaven, that is also most open to the mendicant's demand; and it is the meal that is composed of potatoes which is most frequently shared by those who are content to live upon the gains and the industry of others. Is it my wish to prevent these acts of charity and of benevolence? I have no such wish; and this House has no such power. The stream of charity, I well know, is too deep, too universal, and too strong, to be controlled by any human law; and all that I am anxious to do is, to place under the superintendence of the central board of Poor Law Commissioners in Dublin, or of the resident magistracy,—and to oppose some powerful check to,—that regular and unprincipled trade of mendicancy which so extensively prevails in many parts of Ireland, and particularly in the most destitute portions of the country, in which, as is well known, the inhabitants are exposed to the daily and hourly necessity of regularly contributing a great portion of their hard earnings to support, in beggary and idleness, large masses of mendicants by profession. I know that there are many difficulties to contend with in a matter of this nature, and that much may be said on both sides of the question. I do not disguise from myself the difficulty of making alms-begging liable to punishment, and especially in a country where the law gives no absolute right to relief. I propose, however, to make it punishable only when the workhouse in any district in which vagrancy may be carried on shall be built, and so long as such workhouse is able to contain all those whom the guardians shall deem proper objects of relief; and, on balancing the whole of the arguments on both sides, I confess it does appear to me that the balance leans towards an Act which shall put under control this system of professional mendicancy. I allow that there must remain doubts on the minds of many persons upon this subject; and I by no means wish to hurry the Bill I shall conclude by proposing through the House. It is not my intention to press it, at present, beyond its first stage; and shall merely lay it on the table of the House, for the purpose of giving the Irish community full time for the consideration of the measure, and its various provisions. Having, then, stated that such are my intentions, I trust there will not be, on either side of the House, any opposition to the introduction of the Bill; and that I shall not be refused permission to lay it before Parliament. I now, therefore, beg to move for leave to bring in a Bill for the suppression of mendicancy in Ireland.

Mr. D. R. PIGOT. — I beg to second the motion.

Question put.

SIR R. PEEL.—I fear I have not quite understood the Noble Lord. Does the Noble Lord mean that, supposing a workhouse in any union to be full, in that case the system of mendicancy will be tolerated?

LORD MORPETH. — The penalties I propose to enact will only apply to parties taken up for vagrancy in any district where the workhouse shall have room for more occupants.

SIR R. PEEL. — But supposing the workhouse in any particular district to be full, and that it would be impossible to receive any more inmates into it, would mendicancy be in that case tolerated in that district?

LORD MORPETH. — In such a case, no alteration is made by this Bill in the law as it at present exists. There will be no penalties where the workhouses shall be incapable of receiving more inmates.

SIR R. PEEL. — I cannot but think that it will be extremely difficult to fix offending parties with a knowledge whether the workhouse may be capable of receiving more inmates or not. The Noble Lord has also used the word "disorderly." Does he mean by that the act of demanding alms, accompanied by violence? If nothing more than that be meant, then the Bill will afford no relief to the smaller proprietors, — those who are now so much exposed to affecting appeals to their benevolence,—appeals, too, which they are always very ready to give ear to.

LORD MORPETH. — In using the word "disorderly," I refer to the asking of alms in any manner contrary to the spirit of the enactments of this Bill.

Mr. SHAW. — I am glad to hear from the Noble Lord that he intends to give full time for the consideration of this Bill, upon which such great doubts exist. In reference to what the Noble Lord has said, however, as to the understanding, with regard to this measure, at the time of the passing of the Irish Poor Law Act, — I beg to remind the Noble Lord that the object of those who then advocated the postponement of any enactment on the subject of mendicancy, was not merely to obtain separate Bills, but to afford time for a full observation of the operation of the Poor Law in Ireland, before any attempt should be made directly to suppress mendicancy. I must say, that I think it would be very premature legislation to pass any law on this subject at present; inasmuch as, so far as I have yet been able to judge, the introduction of the Poor Law into Ireland appears to have worked well. I have always been opposed to the Poor Law being mixed up with a measure of this description; but, hearing that it is not the Noble Lord's intention to press the Bill forward at present, I shall not oppose its introduction, in the hope, and on the understanding, that he will give the people of Ireland ample time for its consideration.

Mr. LYNCH. — I have much pleasure in supporting the motion for the introduction of this Bill. It is impossible that there can exist, at the same time, two sorts of relief in Ireland; one, in-door relief, according to law, and the other, out-door relief, according to the established custom of the country. Yet such will be the case, unless some such measure as this be passed.

Mr. M. J. O'CONNELL. — I consider, Sir, that the great objection to the Irish Poor Law is, that, while it takes away what has been truly described by the Honourable and Learned Member for Galway as "out-door relief, according to the custom of the country," it does not substitute "out-door relief, according to law." The object of postponing the question before the House has been to afford time for observing the operation of the Poor Law in Ireland; and yet three weeks have scarcely elapsed since the establishment of the first union workhouse in that country, and this Bill is already introduced. With so short an experience of the operation of that law, this Bill, I must say, is very prematurely brought forward. It would be much better to let the present system continue in operation a year longer, before introducing such a measure as this.

Question put, "That leave be given to

bring in a Bill for the suppression of mendicancy in Ireland," and agreed to; Bill ordered to be brought in by Lord Viscount Morpeth and Mr. Solicitor General for Ireland.

TITHE COMPOSITIONS (IRELAND).

On the motion of Mr. D. R. Pigot, Act (1 & 2 Victoria, c. 109.) read; Bill to amend the said Act ordered to be brought in by Mr. Solicitor General for Ireland and Lord Viscount Morpeth.

Bill, "to amend an Act of the First and Second Years of the Reign of Her present Majesty to abolish Compositions for Tithes in Ireland, and to substitute Rent Charges in lieu thereof," presented, and read a first time; to be read a second time on Monday next, and to be printed.

MUTINY BILL.—MARINE MUTINY BILL.

Read a third time, and passed.

UNION WORKHOUSES BILL.

Reported; to be read a third time on Monday next.

RETURNS, &c.

Sutton Coldfield School.—On the motion of Major Chetwynd, Return ordered—

Of the name of the master of the free school at Sutton Coldfield, in the county of Warwick; the date of his appointment; the amount of annual salary received by him from the time of his appointment up to the 1st day of January, 1840; and the number of scholars in each year, distinguishing those who were boarders in his house, and those admitted on the foundation.

Breewood School.—On the motion of Major Chetwynd, Returns ordered—

Of the name of the present head master of Breewood free grammar school, in the county of Stafford; the date of his appointment; the amount of annual salary received by him from the time of his appointment up to the 1st of January, 1840; the number of scholars in the upper school in each year, distinguishing those who were boarders in his house, and those who were out-boarders, or on the foundation: Also, of the name of the present under master; the date of his appointment; the amount of annual salary received by him from the time of his appointment up to the 1st day of January, 1840; and the number of boys in the lower school in each year since his appointment.

Militia.—On the motion of Major Chetwynd, Return ordered—

Of the names of the colonels and other officers of the following regiments of militia in England and Wales; the dates of their several commissions; distinguishing those who have served in the household brigade, the line, or royal navy; together with the rank obtained by them in any of the above services, and whether on half pay at this time, or holding commissions in any yeomanry regiment; if so, the date of such commission; these returns to be signed by the colonel or field officer, or senior officer of the regiment in England or Wales, and by the adjutant of each regiment:—Cornwall, Devon (East), Flint, Hants (North), Hants (South), Isle of Wight, Kent (East), Kent (West), Lancaster, Leicester, Nottingham, Rutland, Somerset (1st), Somerset (2d), Stafford, York (1st, West Riding), Chester, Devon (North), Dorset.

Soap.—Accounts.

Jamaica.—Papers.

Commissioners of Arbitration (Slavery Abolition Act).—Return.

China Produce.—Paper.

(Severally presented 18th March).—To be printed.

East India.—Copy presented—of Acts of the Government of India from 1834 to 1838, inclusive (by Act).—To lie on the table, and to be printed.

BANKING COMMITTEE.

Mr. HUME.—Before the House adjourns, I am anxious to state, with respect to the result of my motion for adding the names of Sir H. Parnell and Mr. Thornely to the Banking Committee, that I had intended to have withdrawn the motion, and not to have had it negatived, as has been the case.

Adjourned at ten o'clock.

HOUSE OF LORDS, Veneris, 20° die Martii, 1840.

The Earl of Shaftesbury sat Speaker.

APPEALS.

Malone *v.* Malone.—Petition of the appellant for further time to lodge cases.—Read, and referred to the Appeal Committee.

CRAMOND BRIDGE BILL.

Brought from the Commons, and read a first time.

GRANT'S DIVORCE.

A Bill "to dissolve the Marriage of Alexander Grant, Esquire, with Maria Theresa, his now Wife, and to enable him to marry again, and for other Purposes." — Presented (on petition), and copy of proceedings in Ecclesiastical Court delivered (on oath); Bill read a first time, and ordered to be read a second time on Tuesday, the 7th of April next; and the Lords summoned; the usual orders made; and a witness ordered to attend.

PROTESTANT DISSENTERS' ASSURANCE COMPANY BILL. — FREETHORPE INCLOSURE BILL.

Read a second time, and committed for Tuesday next.

EDINBURGH MARKET AND PETTY CUSTOMS BILL.

Read a second time, and committed. The Committee to be proposed by the Lords' Committees appointed for proposing Committees on opposed Bills.

HAUSBURG'S NATURALISATION BILL.—PROMOLI'S NATURALISATION BILL.

Returned from the Commons, agreed o.

NORTH UNION RAILWAY BILL. — KENNET AND AMESBURY ROAD BILL.

Read a third time, and passed.

MANCHESTER AND SALFORD CANAL BILL.

Reported, with amendments.

CORN LAWS.

The EARL of ROSEBERY. — My Lords, I hold in my hand a petition of a very important nature. It is signed very numerously by the bankers, merchants, and other inhabitants of Stirling, and prays for the immediate and total repeal of the corn laws. To those petitioners I owe a deep debt of gratitude for the confidence they have reposed, for a long period, in a near relative of mine. They state, as a reason for their prayer, that, at the present time, the baneful influence of the corn laws is exercising itself with peculiar severity on the middle classes; that it injures the bankers by the frequent derangement of the currency; presses on the dealer by the excessive rates of interest it causes; annihilates private capital, and reduces the artisan and the labourer to the condition of the pauper. They state, further, that these laws, if not abolished, will banish manufactures, and throw the population wholly on the soil for support. My Lords, I need not say that I do not concur in the prayer of the petition; in fact, it is my opinion, that, if it were complied with, that compliance would be very injurious to the interests of the country at large. I believe that the benefits to be derived from a repeal of the corn laws have been most grossly exaggerated by the promoters of the agitation on this subject.

My Lords, differing, as I do, from the petitioners on this subject, I think I should be wanting in respect for and gratitude to them, were I not briefly to state what, in my opinion, would be the best method of dealing with this much agitated question of the corn laws. Without disturbing the principle of the present Corn Law, which I should be sorry to see disturbed, I think a remedy might be applied which would satisfy the just wishes of all parties. I would humbly submit to your Lordships the propriety of preserving the principle of the law; but, at the same time, lowering the scale of duty. Such a proceeding would effect great good, without much deranging the great interests which would suffer by total repeal. The scale I would recommend would be that proposed by Mr. Canning, in his Bill of 1827, which was passed by the other House of Parliament, and also by this, on the second reading, but lost in Committee, not on a question of principle, but on one of detail. I would beg your Lordships to consider what would be the difference in price effected by such a scale, and that effected by the scale proposed and carried by the Noble Duke opposite in 1828. The difference would be as much as that between ten shillings and twenty-one shillings. The present state of the corn trade is such as to require some remedy. At one time, we have no trade, and at another we have the most extensive and ruinous speculation, attended by every species of gambling. I do think we should endeavour to get rid of that evil by lowering the duty, which would make the trade more steady and constant. I have only further to say, that the scale which I have recommended, and which was proposed by Mr. Canning, was stated, at the time, by that Minister, to have been proposed at the suggestion of Lord Liverpool. I have to beg pardon of your Lordships for troubling the House at such length, and to conclude by moving "that this petition be laid on your Lordships' table."

LORD ASHBURTON. — I can assure your Lordships that I have no wish to provoke a discussion on the presentation of a petition; but the question is one of so much importance that I cannot refrain from saying a word or two upon it. Although I am aware that nothing could be more inconvenient than to draw your Lordships, at the present moment, into any discussion on the corn laws, yet I cannot allow to pass in silence what seems to be the Noble Earl's conclusion, — namely, that great evil has accrued to the country from the operation of the present corn laws. Although it is true that, originally, I was not very favourable to the corn laws, yet I think I shall be able to show that it would be impossible to find any artificial system — for all systems of protection must be artificial — which has worked better than the present system. During the last ten years, there has been less fluctuation in the supply in this country than in any part of the world; and, when persons talk of fluctuations, they ought to remember that food is an article which is naturally liable to great fluctuations. It is a matter of surprise to me that the fluctuations have not been greater. This year, after an importation to the value of 6,000,000*l.* or 7,000,000*l.*, the price does not exceed 67*s.*; and it should be remembered that the expectation of the framers of the present law was to obtain for our home growers a *maximum* price of 60*s.* Let us look, on the other hand, to what has happened during the same period in France. Why, there have been bread insurrections in various parts of that country; and, even in the great corn countries on the line of the Ukraine, there have been fearful famines during the last two years. And still, with all these facts before them, the anti-corn law agitators attribute the fluctuations of our prices to the present system of corn laws! It is a fallacy to assert that the corn laws have caused the difficulties in the circulation of the country during the past year: and those who are acting upon the cry of "Agitate, agitate!" — amongst whom are some very clever men — must know that many of the assertions they make upon this subject are pure fallacies. But they must have something or other to "agitate" with. Last year, the Post Office reform was their instrument, and now they are beginning to work upon the corn laws. I believe that, when this question comes to be fairly discussed, — not in public meetings or great towns, where people are easily excited and congregated together, but in the deliberative assemblies of Parliament, — it will be clear that the complaints against the present corn laws are utterly groundless.

SCOTCH CHURCH PATRONAGE.

The **MARQUESS of LONDONDERRY** and the **MARQUESS of BUTE** presented petitions in favour of the principle of non-intrusion, — from ministers, elders, and others of the presbytery of Dromore: from the Presbyterian congregation of Regent Street, Newtonards; Ballymena; Portglenone; Rathfryland; and Randalstown: from the Scotch National Church, St. Peter's Square, Manchester; and from inhabitants of Rogart; Golspie; Lott. Creich; and Bolton. — Read, and ordered to lie on the table.

CORN LAWS.

The **Duke of Buckingham** and **Lord Redesdale** presented petitions against he repeal of,—from owners and occupiers f land and others of Saint Columb Minor; Chipping Lamborne; Worlington; Mayeld; and Isle of Axholme; and from nhabitants of the township of Charlbury. —Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The **Marquess of Londonderry** preented a petition from beadles belonging o the various guilds or companies of the orporation of Dublin, praying for comensation in the event of the Bill passing nto a law. — Read, and ordered to lie on he table.

CORN LAWS.

The **Duke of Sutherland** presented etitions for the repeal of, — from farmers nd others of Canglour and Auchenboure: rom operatives of Hanley and Shelton: nd of inhabitants of Ipstones; Alton; Newcastle under Lyme; Leek; Cambuhanon; Onecote; Cheadle; Oakemore; Norton; Longton; Chesterton; Red treet; Bucknall; Smalthorne; Hanley nd Shelton; Cheadleton; and Bosley. —Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — from inabitants of Sedbergh. — Read, and orered to lie on the table.

CHURCH EXTENSION.

The **Bishop of London** presented petitions in favour of, — from clergy and laity of Asken and Pentlow; and from inhabitants of Great Baddow. — Read, and ordered to lie on the table.

CHURCH RATES.

Lord Monteagle presented a petition praying for the release of John Thorogood (a prisoner in Chelmsford gaol), and for the abolition of ecclesiastical courts, — from inhabitants of Newark. — Read, and ordered to lie on the table.

PAPERS, &c.

The clerk assistant ordered to prepare an account of the number of judgments given in the High Court of Chancery by the Lord Chancellor, during four years ending 1839, which were appealed to the House of Lords; showing the date of presentation of the said appeals, and distinguishing those judgments affirmed from those reversed: and also, an account of the number of judgments given in the Court of Exchequer during four years ending 1839, which were appealed to the House of Lords; showing the date of presentation of the said appeals, and distinguishing those judgments affirmed from those reversed.

The Lord Chancellor informed the House, that the clerk assistant had prepared the above accounts (pursuant to the said order). — The same were delivered, and ordered to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Exeter Port Dues Bill. — Mr. LUSHINGTON presented a petition of merchants and others, of Ashburton, against. — To lie on the table.

Hartlepool Dock and Railway Company Bill. — Petition of the Tees Navigation Company, against. — Referred to the Committee on the Bill; counsel ordered.

Birmingham Canal Navigations Bill. — Petitions against, — from Lord Lyttelton; Theophilus Taylor and others; John Benbow; proprietors and occupiers of coal and ironstone mines on the line of the Dudley Canal Navigation; corporation of Droitwich; company of proprietors of the Dudley Canal Navigation; and company of proprietors of the navigation from the Trent to the Mersey. — Referred to the Committee on the Bill; counsel ordered.

Monmouthshire Iron and Coal Company. — Petition for leave to present a petition for a Bill. — Referred to the Select Committee on Petitions for Private Bills.

Hereford Improvement Bill. — Reported; to be ingrossed.

Elginshire Roads Bill. — Read a second time, and committed to Mr. THOMAS MACKENZIE and the North Scotland list.

British Iron Company Bill. — Read a second time, and committed to Mr. G. PALMER and the Essex list.

Dronfield Inclosure Bill. — Read a second time, and committed to Mr. WILLIAM EVANS and the North Derby list.

Macclesfield and Congleton Road Bill; Birmingham and Wyrley Canals Union Bill; Crown Point (Leeds) Bridge and Roads Bill. — Reports severally further considered (prints having been delivered on Monday, 16th March); amendments agreed to; Bill to be ingrossed.

Cramond Bridge Bill. — Read a third time, and passed.

Hausburg's Naturalisation Bill; Promoli's Naturalisation Bill. — Severally reported, without amendment; read a third time, and passed.

Lloyd's Divorce Bill. — Report, that the Lords have communicated a copy of the minutes of evidence taken upon the second reading of the Bill. — To lie on the table.

Roxburgh and Selkirk Roads Bill. — Mr. ELLIOT moved the second reading of this Bill.

Question put, "That the Bill be now read a second time."

The LORD ADVOCATE. — I do not intend to oppose the second reading of this Bill; but, unless its provisions be considerably altered and modified in Committee, I shall feel bound to oppose its further progress.

Question agreed to; Bill read a second time, and committed to Mr. ELLIOT and the South Scotland list.

PUBLIC BUSINESS.

PAPERS.

Public Income and Expenditure. — Account presented — of income and charge of Consolidated Fund for 1839, and estimate for 1840; income and expenditure, funded and unfunded debt, &c. for various periods (ordered 13th February). — To lie on the table.

Barracks (Bahamas, &c.). — Copy presented — of correspondence on the subject of barracks at the Bahamas; issue of fresh meat to troops in the West Indies, &c. (ordered 24th February). — To lie on the table.

Letters Patent. — Return presented — of cases in which the Judicial Committee of the Privy Council has reported the petition of any person having obtained letters patent, and presenting such petition for the exercise of the power given to the

Majesty (Address 27th February). — To lie on the table.

China. — Copies presented — of papers respecting bills granted by the chief superintendent at Canton for opium surrendered (ordered 12th March). — To lie on the table.

PUBLIC PETITIONS COMMITTEE.

Sixteenth Report brought up, and read. — To lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

Church of England, — By Mr. A. DUNCOMBE, SIR T. D. ACLAND, Mr. T. D. ACLAND, Mr. A. SMITH, Mr. CROMPTON, Mr. DARBY, and SIR J. GRAHAM, for extension, — from Adderley; Hertingfordbury; Stevenage; Hinstock; Seaborough; Ovingdean; West Bagborough; Brompton Regis; Oake; Halse; Crocombe; Heathfield; Chipstable; Shipton Bellinger; North Petherton; Bradford, Somerset; Lydiard St. Lawrence; Odcombe; Exford; Huish Champflower; Misterton; Trull; Kilve; Stogursey; Luccombe; Norton Fitzwarren; Selworthy; Hinton St. George; Otterhampton; Goathurst and Wembdon; Dinnington; Seavington St. Michael; Watton; Crewkerne; Milverton; South Hackney; Brushford; and East Retford.

From Chesham, against extension.

Church Patronage (Scotland), — By Mr. G. CRAIG, Mr. R. STEUART, Mr. HOUSTOUN, Mr. E. TENNENT, SIR J. GRAHAM, LORD VISCOUNT KELBURNE, and Mr. E. ELLICE, for alteration of law with respect to intrusion, — from Newtonards; Randalstone; Portglenone; Irvine presbytery (moderator); Johnstone; St. Andrew's; Cupar; New Cumnock; Haddington; Monkton and Prestwick; Tomlis Wester; Markinch; and Madderty.

Church Establishment (Colonies), — By Mr. MACAULAY and SIR J. GRAHAM, for extension, — from Dalhousie Settlement; Trinity, Sydney; and Windsor, Nova Scotia.

Church Rates, — By Mr. C. LUSHINGTON, SIR B. HALL, and Mr. BROCKLEHURST, for abolition, and for the release of John Thorogood, — from Bluntisham cum Earith; Macclesfield; and Newick.

Mr. HUME. — I, also, have to present a petition from certain inhabitants of St. Leonard's, Bromley. The petitioners state, that at a vestry meeting of the inhabitants called to make a church rate, the motion that the question be put off for six months was carried; but that, without any such rate being made, the parishioners have been called upon to pay for the clock, for the organist, and for other expenses connected with the church, and that they have no means of avoiding the demand without resorting to very expensive processes; they therefore pray the House to grant them redress in the matter.

Maynooth College, — By Mr. DUGDALE, Mr. NEELD, Mr. T. D. ACLAND, and Mr. MAXWELL, against further grant, — from Watton; Llanfechain; Mitton; Rudby; Sadbergh; Potton; Ipplepen; Kentisbear; Hillmorton; Dinnington; Seavington St. Michael; Bradford (Somerset); Hinton St. George; Silverton; and Cricklade.

Lord's Day, — By Mr. NEELD, — from Cricklade, for better observance.

Designs Copyright Bill, — By an HONOURABLE MEMBER, — from Messrs. Cooke and Unsworth, of Manchester, in favour.

Corn Laws, — By Mr. E. BULLER, Mr. THORNELY, COLONEL SALWEY, Mr. E. ELLICE, Mr. A. WHITE, Mr. HORSMAN, COLONEL ANSON, Mr. WALLACE, SIR G. STRICKLAND, Mr. GREG, Mr. HUME, Mr. TEUTON, SIR BENJAMIN HALL, and other HONOURABLE MEMBERS, for repeal, — from Tettenhall; Ipstones; Marylebone; Ludlow; Bloxwich; Chorlton upon Medlock; Onecote; Little Marsden; Hanley and Shelton; Tiverton; Coven; Bosley; Wednesfield Heath; New Invention (Stafford); Findhorn; St. Andrew's (chief magistrate); Norton; Newcastle under Lyme; Smallthorn; Bishop Wearmouth iron works; Chesterton and Red Street; Oakemore and Alton; Hanley and Shelton; Kirkburton; Dent and other places (ten petitions); Bucknal; Alton (Stafford); Linthwaite; Carnwath; Stranraer and Rhins of of Galloway; Mayfield; Scammonden; Wardle; Leek; Wolverhampton; Durham; Cupar (deacon); Great Torrington (three petitions); William Mitchell; Blackford; Gordon's Mills, Old Macher; Okehampton; Manchester; New Bury; Wednesfield; Millport; Longwood; Golcar; Birtle cum Bamford; Cheddleton; Clayton West; Milnrow; Berry Brow; Skelmanthorpe; Newsome and Bacup.

By SIR J. Y. BULLER, SIR E. KNATCHBULL, Mr. A. DUNCOMBE, Mr. MAUNSELL, SIR T. D. ACLAND, Mr. ACLAND, Mr. DUGDALE, Mr. CHUTE, Mr. DARBY, and other HONOURABLE MEMBERS, against repeal, — from Martin and Styrup; Ticehurst union; Westmill; Solihull union; Meriden union; East Retford; members of the Groombridge Agricultural Association; Stogumber; Tansor; Brixworth union; Abbotskerswell; Brighton; North Petherton; Langford, &c.; Lamberhurst; Hertford Market; Shobrooke; Wadhurst; Cuckfield union; East Grinstead; Nassington; Ottery St. Mary; Bradstone; Clyst St. Lawrence; Dean Prior; Sidmouth; Kingskerswell; Aylesbeare; Churston Ferrers; Denbury; Berry Pomeroy; Luppitt; Coombinteignhead; Branscombe; Trusham; Withycombe Rawleigh; Whitstone; Broadwoodwidger; Bovey Tracey; Yarcombe; and Throwleigh.

Ecclesiastical Duties and Revenues Bill, — By Mr. BAINBRIDGE, — from members of the Taunton Deanery Board of Education, against.

Municipal Corporations (Ireland) Bill, — By Mr. T. D. ACLAND, against,—from Llanfechain; Haselbury Plucknett; Bradford (Somerset); Seavington St. Michael; Dinnington; and Hinton St. George.

Elective Franchise and Municipal Corporations (Ireland),—From Ahoghill, for extension and reform.

China, — By Mr. BAINES, — from Kendal, for suppression of the trade in opium.

Tithe Commutation Acts Amendment Bill,—By SIR E. KNATCHBULL, in favour of, — from the county of Huntingdon.

By Mr. DARBY, against certain provisions therein, — from Ore.

Universal Suffrage, &c., — By Mr. WALLACE and Mr. HUME, for adoption thereof, — from Glasgow Literary Improvement Association (president); Robert M'Isaac; Gorbals (chairman); and Airdrie.

Newport Riots,—By Mr. T. DUNCOMBE, — from Finsbury, for a free pardon to Frost, Williams, and Jones.

Sunday Baking, — By SIR B. HALL, for prevention, — from St. Pancras; and Marylebone.

Poor Law Amendment Act, — By SIR E. KNATCHBULL, — from Bridge union, Kent, against continuance of assistant commissioners.

Union Workhouses Bill, — From the Stroud union, in favour.

Clergy Reserves (Canada) Bill, — By SIR J. GRAHAM, against, — from Nova Scotia.

Stade Duties, — Of chairman of the Committee of the General Shipowners Society, against.

County Courts, — By Mr. T. DUNCOMBE (two petitions), — from Tuxford, for the establishment thereof.

The above petitions were severally ordered to lie on the table.

RETURNS.

Common Law Courts. — On the motion of Mr. EWART, Return ordered —

Of the number of præcipes filed in each of the superior courts of common law for writs of capias (not being an alias or pluries) for each county, or city or place being a county of itself, in England and Wales, during the year 1839: also the number of præcipes for writs of summons (not being an alias or pluries) for each county, or city or place being a county of itself, in England and Wales, during the same year: also, the number of præcipes for writs of alias or pluries capias for each county, or city or place being a county of itself, in England and Wales, during the same year: and, also, the number of præcipes for writs of alias or pluries summons for each county, or city or place being a county of itself, in England and Wales, during the same year; distinguishing the "alias" from the "pluries" writs.

Navy. — On the motion of SIR T. TROUBRIDGE, Return ordered —

Of the statistical accounts of the health of the navy, for the years 1830, 1831, 1832, 1833, 1834, 1835, and 1836.

Hill Coolies. — On the motion of Mr. MACKINNON, Address for —

Copies of the correspondence regarding the immigration of Hill Coolies into British Guiana and the Mauritius.

Caledonian Canal. — On the motion of Mr. R. STEUART, copies ordered —

Of any further correspondence or memorial addressed to the Lords Commissioners of the Treasury on the subject of the proposed transfer of the Caledonian Canal to a joint stock company.

SALE OF BEER (No. 2.) BILL.

On the motion of Mr. PAKINGTON, second reading deferred from Wednesday next till Thursday next,

CONTROVERTED ELECTIONS.

Mr. ORD reported, from the General Committee of Elections, that the petitioners admitted parties to defend the return, in the case of the Ludlow election, had served a notice on the chairman of the Committee, that they do not intend to put in any list of votes objected to by them, inasmuch as the said petitioners are advised that the proceedings in regard to the Ludlow election petitions have not been regular, and according to the special provisions of the Act 2 & 3 Vic. c. 38., intituled, "An Act to amend the Jurisdiction for the Trial of Election Petitions:" and that the said petitioners protest against the choice of any Committee to try the said petitions, until such Committee can legally and properly be constituted a tribunal, for perjury committed before which an indictment could be maintained at law.

Upon the question being put, "That this Report do lie on the table,"—

Mr. AGLIONBY said:—I do not intend to object to this Report being laid upon the table; still I think it should be considered what effect the arguments contained in it may have on future cases. If the House be satisfied that the tribunal is properly constituted, there is an end of the question; but, having some doubts upon the subject myself, I think the arguments deserve consideration.

The motion was then agreed to, and the Report ordered to lie on the table.

PRINTED PAPERS BILL.

LORD JOHN RUSSELL. — I beg now, Sir, to move the Order of the Day for the third reading of the Printed Papers Bill.

Mr. T. DUNCOMBE. — Before that question be put, I wish to present a petition from John Joseph Stockdale, now a prisoner in the gaol of Newgate, and praying that Mr. Howard, his son, and his clerk, may be released from prison, and that the petitioner himself may be heard at the bar before any Bill affecting his interest shall pass the House.

The petition was then brought up, and read by the clerk at the table.

LORD JOHN RUSSELL. — It appears to me that this petition is one that cannot properly be received, inasmuch as, in its terms, it conveys a direct insult to the House. I would therefore submit to the Honourable Member the propriety of withdrawing it.

Mr. T. DUNCOMBE. — We have not yet been told what is the passage which, in the Noble Lord's opinion, is disrespectful to the House. I cannot consent to withdraw the petition until I know what the objection is. I consider myself, in some degree, responsible for the language of all petitions presented by me; and I have, therefore, carefully read over the one I have now offered; and, beyond there being a great number of quotations from Scripture in it, I could not discover that it contained anything objectionable, or disrespectful to the House. I think, too, that the prayer of the petition, namely, that Mr. Stockdale may be heard at the bar of the House against a Bill, which certainly is a Bill of pains and penalties as against him, is a very proper one, and ought to be granted. The House ought also to remember, that of all the persons who have been committed, Mr. Stockdale is the only one who has not had an opportunity of apologising or explaining his conduct.

Upon the question being put, "That the petition do lie on the table,"—

LORD VISCOUNT HOWICK said:—I hope the Honourable Member for Finsbury will not press this petition; if he do, I shall feel myself under the necessity of moving that it be rejected.

Mr. HUME. — Before we come to any such determination, we ought to know what the objectionable passages are. Unfortunately, where I sit, we have not been able to hear one word of it. I think, in common fairness, the passages objected to ought to be stated.

Mr. LABOUCHERE. — The petition was read in an audible tone by the clerk at the table; and had Honourable Members preserved silence, the Honourable Member for Kilkenny might have heard it.

SIR E. B. SUGDEN. — There was a great deal of noise in the House while the petition was being read. I believe I understand the substance of the petition; but I did not catch any objectionable expression in it. I think it ought to be read again.

CAPTAIN BOLDERO. — The Honourable Member for Finsbury has told us that he has himself read the petition carefully over, and that it does not contain anything of an objectionable nature. Surely the word of the Honourable Member ought to be sufficient.

Several HONOURABLE MEMBERS. — No, no! Read!

The petition was then again read by the clerk at the table.

LORD JOHN RUSSELL. — This is the person who has been committed for a contempt and a breach of the privileges of the House; and he now again approaches the House under the guise of a petitioner, to declare, at length, that the detention he is enduring is illegal, and that the displeasure of the House, to which he is exposed, is groundless. This person, also, in many more words, refers, in his petition, to the act of the under sheriff, in presenting a petition, in regular and decorous terms, stating that he was ready to comply with the orders of the House; and, in no measured terms, charges him with having been guilty of a grave offence, — an offence, which he compares to those crimes which were sometimes perpetrated when the laws of the land were held in little or no respect, and were not sufficiently stringent to afford protection to individuals. The whole tenour of the petition is one of defiance to the House, under the guise of a petition; and therefore I, for one, cannot vote that it do lie on the table.

SIR R. INGLIS. — I think that the precise passages to which the objection is taken should be stated. I have heard the petition read, and I cannot say that I have discovered anything in the wording of it which ought to be considered as disrespectful, or offering insult, to the House. The Noble Lord has not told us the particular part of the petition which he considers as having a tendency to offer insult to the House. Perhaps his Honourable and Learned Friend beside him (the Attorney General) may infer, from certain inuendos in the latter part of the petition, that insult was intended, inasmuch as the quotations from Scripture may, or may not, be interpreted as applying to the House; but, with that exception, I have heard nothing in the petition that ought to be considered as reflecting upon the House.

[Cries of "Oh, oh!" and, "Hear, hear!"]

I apprehend, from those cheers, that it is assumed, as a matter of course, that those quotations were intended as an insult to the House.

[Cries of "Hear, hear!"]

For my own part, I was struck with the very temperate tone of the petition. One of the phrases which appears to be complained of is that in which the petitioner states, "that his liberty has been erroneously invaded;" but, in my opinion, a milder phrase, for a person who is incarcerated in Her Majesty's gaol of Newgate, is not to be found in any similar document. If any person has reason to complain of the petition, it is the sheriff; for his conduct is condemned in plain terms, without any inuendos; he is accused "of having unconstitutionally acted in the matters of this petitioner." I think, before the House decide upon agreeing, either to the motion of the Noble Lord who has proposed to meet the motion, that the petition do lie on the table, with a direct negative, or to the proposition of the Noble Lord the Member for Northumberland, to reject the petition altogether, they should regard, with some leniency, the feelings of a man who considers himself to be unjustly confined by their order. I would ask Honourable Members — if it be not too great a condescension on their part — to put themselves, for a moment, in the position of the person now interested. That person has been incarcerated for seeking compensation for a wrong which, in the opinion of a jury of his country, he has received, — a judgment, too, which the House themselves invoked. Surely, then, when a person is confined, under such circumstances, it is too much to analyse too strictly the terms of the petition in which he does not ask you to release him, nor to rescind the resolutions you have passed; but merely to allow him to be heard at your bar, in his own defence. The petitioner further states that Mr. Howard, his attorney, complied most reluctantly with his earnest and repeated entreaties to bring the last action, and that he actually wrote a letter to Stockdale, declining to have anything further to do with the proceeding. The House has, then, deprived the petitioner of the benefit of legal assistance and advice; and, under those circumstances, he asks you, in his petition, to allow him to appear at the bar of the House, and to state his own case. And I ask the House, are they prepared, not only to refuse that very reasonable request, but even to allow the petition to lie on the table? Under these circumstances, I trust the Noble Lord will see the propriety of withdrawing his opposition; if not, I shall certainly, for one, divide with the Honourable Member for Finsbury.

LORD VISCOUNT HOWICK. — In my opinion, it is impossible for any one to hear the petition read, and not perceive that it conveys a deliberate insult to the House. The petitioner talks of his illegal detention, and describes the other persons who are confined by the orders of the House as his outraged and afflicted fellow-subjects.

[Cries of "Hear, hear!"]

That may be the feeling of Honourable Members on the other side, ——

[Renewed cries of "Hear, hear!"]

but it is not that of the great majority of this House;

[Cries of "Hear, hear!" from the Ministerial benches.]

nor is the language of the petition that which will induce that majority to allow it to lie on the table. Looking at what has been the former practice of the House, in reference to petitions, I hold that this is a petition that cannot be received. I shall therefore move, as an amendment to the motion, to leave out the words, "do lie on the table," in order to add the words "be rejected," instead thereof.

Question put, "That the words proposed to be left out stand part of the question."

SIR G. STRICKLAND. — Although I joined the Noble Lord, and majority of the House, in supporting our privileges, I cannot consider that, in this instance, we shall be doing justice to the petitioner if we reject his petition. With regard to the reception of petitions, the House has passed certain resolutions for the regulation of that part of its business: — first, that the petition shall be respectfully worded; and, secondly, that the prayer of it shall be such as the House can grant. Now, with regard to the first, I think no one can doubt that this petition is respectfully worded; and the prayer with which it concludes, namely, that the petitioner may be heard at the bar of the House, is quite in accordance with the rules and customs of the House. Then, the only thing, in regard to this petition, that can be considered disrespectful to the House, is, that Stockdale has had the bad taste to interlard his petition with certain quotations from Scripture, which, if you put a particular construction upon them, may be considered as disrespectful to the House. But I think I am bound to show some compassion towards a man who, like Stockdale, is suffering confinement by the orders of the House; and I think we ought to extend the utmost possible indulgence to any subject who comes before us, under such circumstances. It is on these grounds that I shall, if the question go to a division, vote against the Noble Lord.

MR. HUME. — I have supported the Noble Lord throughout the whole of his struggle in defence of the privileges of the House; but as he has himself brought in a Bill by which he declares all our proceedings in this matter illegal ——

[Cries of "No, no!"]

That is all the difference between me and the Noble Lord. The Noble Lord says that he requires a new law, and, consequently, he has hitherto been acting without any law.

[Cries of "Oh, oh!"]

The Noble Lord has abandoned the high ground upon which he started in this matter; and he has thought it necessary to bring in a Bill to protect our privilege. How, then, is it possible that we can object to receive this petition, which merely, in words, reiterates that which the Noble Lord has, in act, admitted,— that the petitioner has been illegally imprisoned?

[Cries of "Hear, hear!"]

MR. GREENE. — I, for one, certainly object to the reception of this petition, on the ground that this House ought on no occasion to encourage such an irreverent use of the Scriptures as is made in the quotations that have been referred to.

SIR E. SUGDEN. — I am sorry that the Noble Lord has placed the House in this state of embarrassment. It cannot be denied that these actions have been vexatiously brought by Stockdale; but the House ought not to be very delicate in reviewing the terms of the petitions of this nature, for Stockdale has the law on his side, —that is, he has the statute law,—although the House considers their law superior. I think, the petition is drawn in an improper manner, and evinces bad taste and bad feeling. But it is hardly to be wondered at, that Stockdale should address the House without very much care in his expressions, when we consider that we are about to deprive him, by the Bill now before us, of what he conceives to be his right as a British subject, — that is, we are about, by that Bill, to put a speedy end to these actions, which, by law, can now be brought. Surely, under such circumstances, it is not unreasonable that Stockdale should ask to be heard at the bar in his own defence. If you proceed with the Bill, and reject this petition, you deprive Stockdale of his only remedy. I must not be understood as defending the language in which this petition is couched, or the spirit which evidently pervades it; but, under the peculiar circumstances of the case, I feel that I am bound, in common justice, to vote against the Noble Lord.

Mr. JAMES. — For one, I cannot understand how any one can doubt for a moment that this petition is intended as a deliberate insult to the House. I shall certainly vote against its being received.

Mr. T. DUNCOMBE. — If the Noble Lord will consent to postpone the third reading of the Bill, I shall be willing to withdraw the petition, in order to have the objectionable passages expunged.

[Cries of "No, no!"]

SIR R. PEEL. — The object of this petition is, that Mr. Stockdale may be heard at the bar, against the third reading of this Bill. Now, I am always very reluctant to object to a petition upon anything like captious grounds. I consider that we ought not to seek for a pretence to reject petitions; but, at the same time, I think, when an intentional and deliberate insult is offered, in the form of a petition, to any authority, it becomes the duty of that authority to refuse such a petition, not so much on the ground of its own feelings of offended dignity, as for the purpose of defending the sacred right of petition, which ought not to be prostituted either to gratify mere personal feelings, or for the purpose of offering insult. The question, then, must resolve itself into this, — is there, in this instance, a deliberate insult offered to the House? I think there is. A petition may be firm, and, at the same time, decently respectful; but I cannot understand what other object the petitioner could have in quoting, as he has done, from a volume which was written by him in 1827, and published in 1831, in which he states that the laws of England never authorised or contemplated revenge, and that, when they are brought into operation for such a purpose, they evince weakness, or some baser motive. When I see that passage thus quoted, and am asked, what is the motive of him who quotes it, I cannot for a moment hesitate in saying, that it is to go as near as possible to offer a deliberate insult to the House. And as to the quotations from the Scriptures, I think the practice of introducing such quotations in such documents is in every way most objectionable; and I believe, in the present case, they also have been introduced with the view of offering insult to the House. If, therefore, I am to decide on the intention of this petition, I cannot say but I think there is an evident intention to insult; and I hold that no petitioner has a right to use any terms that can approach to an insult to the authority to whom the petition may be addressed. Then, it is difficult to exercise a discretion in this matter, inasmuch as the petition was not offered at a time when the question might have been fairly discussed, but has been reserved for the last day, so that the petitioner may have the opportunity of saying, "I tender my petition, and leave it to you to say whether you will reject it." But there is also another ground for rejecting this petition. By a large majority, we have determined that we are in possession of this privilege. We have committed the sheriffs for not respecting it; one of the under sheriffs has shown a disposition to defer to the authority of the House; and even those who differ from the majority of the House on the question of the privilege, still give credit to the sheriff for having done everything in his power to conform to the authority of the House. The under sheriff presented a petition to the House; and this is the way in which the petitioner speaks of him, in reference to that act. He says, — "Your petitioner has been informed that a petition has been presented from the sheriff, &c., in which he unconstitutionally offers to delay the administration of justice, as the price of indemnity and protection from the House." I consider that the House of Commons, in maintaining the right of petition, is bound also to require that the petitions presented to them, however firm and plain-spoken they may be, shall be couched in respectful language; and, as the petition now before the House is not, in my opinion, respectfully worded, I shall vote for its rejection.

Question put, "That the words proposed to be left out stand part of the question."

The House divided: — Ayes 25, Noes 196; Majority 171.

AYES.

Boldero, H. G.
Bradshaw, J.
Chute, W. L. W.
Duncombe, Hon. W.
Duncombe, Hon. A.
Fitzroy, Hon. H.
Gisborne, T.
Grimsditch, T.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Jones, J.
Knatchbull, Rt. Hon. Sir E.
Mackenzie, T.
Mahon, Lord Visct.
Maunsell, T. P.
Neeld, John
Norreys, Lord
Palmer, R.
Plumptre, J. P.
Polhill, F.
Strickland, Sir G.
Sugden, Rt. Hn. Sir E.
Wakley, T.
Wood, Sir M.
Wood, Colonel T.

Tellers.

Duncombe, T.
Hume, J.

NOES.

Acland, Sir T. D.
Aglionby, H. A.
Aglionby, Major
Anson, Hon. Colonel
Archbold, R.
Baillie, Colonel
Baines, E.
Bannerman, A.
Baring, Rt. Hon. F. T.
Barnard, E. G.
Barrington, Ld. Visct.
Barron, H. W.
Barry, G. S.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blake, W. J.
Bowes, J.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Byng, G.
Campbell, Sir J.
Chichester, J. P. B.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Corry, Hon. H.
Courtenay, P.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Damer, Hon. D.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
Donkin, Sir R. S.
Douglas, Sir C. E.
Dundas, C. W. D.
Du Pre, G.
Egerton, W. T.
Elliot, Hon. J. E.
Ellice, Captain A.
Ellice, E.
Ellis, W.
Evans, G.
Evans, Sir D. L.
Feilden, W.
Filmer, Sir E.
Fox, S. L.
Fremantle, Sir T.
French, F.
Gordon, R.
Gordon, Hon. Captain
Goulburn, Rt. Hn. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimston, Lord Visct.
Guest, Sir J.
Hamilton, Lord C.
Hardinge, Rt. Hn. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Henniker, Lord
Herries, Rt. Hn. J. C.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, R.
Hope, Hon. C.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howick, Lord Visct.
Humphery, J.
Hurt, F.
Hutt, W.
Hutton, R.
Irving, J.
James, W.
James, Sir W. C.
Knight, H. G.
Knox, Hon. T.
Lambton, H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, Right Hon. T. B.
Mackinnon, W. A.
M'Taggart, J.
Marton, G.
Maule, Hon. Fox
Melgund, Lord Visct.
Mildmay, P. St. John
Morpeth, Lord Visct.
Morris, D.
Muskett, G. A.
Nicholl, J.
Noel, Hon. C. G.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Pakington, J. S.
Patten, J. W.
Pattison, J.
Peel, Rt. Hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pigot, R.
Planta, Rt. Hon. J.
Praed, W. T.
Pusey, P.
Rae, Rt. Hon. Sir W.
Rice, E. R.
Rich, H.
Richards, R.
Roche, W.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheppard, T.
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, Hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, James
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
Vigors, N. A.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Waddington, H. S.
Wall, C. B.
Wallace, R.
Walsh, Sir J.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J. (Cavan)

Tellers.

Parker, J. (Sheff.)
Stanley, Hon. E. J.

Words added; main question, as amended, put, and agreed to; petition rejected.

On the question, "That the Bill do pass,"—

SIR R. INGLIS said: — It is now my duty to move the insertion of the following clause: — "And be it further enacted, that it shall and may be lawful for any person or persons who hereafter shall be a defendant or defendants in any civil or criminal proceeding commenced or prosecuted for the publication of any such Report, Paper, Votes, or Proceedings, in any newspaper published according to the direction of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, chapter 76., intituled, 'An Act to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements,' to apply, as aforesaid, for a certificate, stating that the Report, Paper, Votes, or Proceedings forming the ground of such civil or criminal proceeding, was published by order or under the authority of the House of Lords, or of the House of Commons (as the case may be); and which certificate is hereby authorised to be granted upon such application; and having obtained the same, to apply to any judge of Her Majesty's superior courts of common law, at chambers or elsewhere, upon an affidavit verifying such certificate; and further deposing that such publication in such newspaper was a true transcript or copy of such Report, Paper, Votes, or Proceedings; and thereupon it shall and may be lawful for such judge, upon due summons and notice, to stay such civil or criminal proceeding, upon such terms as to such judge shall seem fit." The principle on which this Bill is founded is, that it is essential to the discharge of our legislative functions, that publicity should be given to our proceedings; and therefore, in carrying out that principle, we should give protection to the newspapers publishing extracts or copies of our papers. If this Bill pass without some provision of the kind I am now proposing, the proprietors of newspapers will be worse off afterwards than they are now; as all the vengeance of parties inspired by the publication of these proceedings of the House will be directed against them for reprinting them, the actions against the officers of the House being stopped. The printers of newspapers, therefore (two of whom have petitioned the House on the subject), ask us not to alter the law as it at present stands, unless we extend its protective operation to them, as well as the servants of the House. I have limited the operation of the clause to the publishers of newspapers, on these grounds; first, that they pay a heavy tax upon the commodity in which they trade; and, secondly, that, by the showing of the advocates of this privilege, their object is to promote the publicity of our Reports; and I would ask whether it does not appear, by the Returns on the table, that these Reports which are reprinted by the newspapers have a circulation ten times as great as others? On these grounds, I think I am justified in asking, on behalf of newspaper proprietors, for the insertion of this clause; first, because the Bill will expose them to greater risk than they are at present subject to; secondly, because your great object of publicity is effected by them; and, thirdly, because they pay specifically for your protection. I do not know what objection may be made to this clause; perhaps it may be objected that it would be an act of undue condescension to require of the Speaker, or the Lord Chancellor,—being the Speaker of the House of Lords,—to give a certificate of this kind, in accordance with the prayers of an indifferent party. But I think this objection ought not to hold; as I can see no difference between the position of the two parties, except that the one is fulfilling the intention of the House, under its authority, and the other without it. I can see many reasons against this Bill; but I can see few or none against the insertion of this clause, if it pass. I would remind the House of a case of hardship which occurred to the printer of one of the morning papers — the *Times* — only last year, and which would be prevented from repetition by this clause. That was an action brought against them by Polack, for having republished an alleged libel from a printed Report of the House of Lords. My Right Honourable Friend near me, on that occasion, when this subject was brought before the House, said that the object of the appointment of the Committee of the House of Lords was, not that they should report to that House, but to the country at large; and of what consequence was it that the plaintiff did not bring his action against the printer of the House of Lords, but only against the printer of the *Times*? It has been said that the action was not for the reprint, but for the comments of the editor of the newspaper. I have read the Reports of August last, referring to this subject, and I recollect nothing of any distinction of this kind being drawn. But the case of "The King *v.* Wright," at any rate, was for a reprint, and not for any comment; and therefore that is a case in point. I am not aware that the object of the clause requires any more comment. I will merely repeat, that its effect will be to authorise you, Sir, to give a certificate that the extract published by the newspaper is a faithful transcript from the Blue Book. Then, in case of an action, that certificate shall authorise the judge to stay proceedings, except in cases where special circumstances may induce him to act otherwise. I insert the discretionary power merely to meet the possible contingency of a case in which protection would be an injustice. I beg, therefore, that I may be now permitted to bring up the clause.

On the question being put, —

The ATTORNEY GENERAL said:— I rise for the purpose of opposing this clause. At the same time, I cannot help saying that I rejoice extremely to find the Honourable Baronet expanding so much in his ideas of the necessity of publishing our proceedings. I hope that all stamped newspapers will republish our Reports; and not only that, but that they will be given to the public in another form. I do not allude to the unstamped and illegal press, but to the various channels through which information is properly and beneficially conveyed to the country. I feel it, however, my duty to oppose the clause of the Honourable Baronet, because it would be prejudicial, if not fatal, to the Bill. We are not now reviewing the law of libel. I hope the time will come that when any action, civil or criminal, is brought, it will be a sufficient answer to say that the allegation complained of was true. We are now, however, providing a particular remedy for a particular grievance. Now, what is the grievance? That an action has been brought against our printers for papers published by the authority of the House. The remedy does not go further than providing for this grievance. The Honourable Baronet is mistaken in supposing that the action of Polack against the *Times* newspaper was for a Report. It was for extracts from a Report, and for editorial comments on those extracts. But the Honourable Baronet supposes that newspapers will be in a worse condition after this Bill passes. There is not the slightest ground for such a suspicion, when this Bill begins by stating that the publication of our proceedings is essential to the public information, and that no proceedings can be instituted from them against the printers or officers of the House. This Act and the decision of " The King *v.* Wright " will effectually relieve any newspaper from the apprehension of an action for republishing a Report of either House of Parliament. Then, as to the certificate of the Speaker; suppose an action were brought against the *Times*, *Morning Chronicle*, or *Morning Post*, for extracts of our Reports, with editorial comments, how could you, Sir, grant a certificate? You would read the whole paper over, you would be obliged to go into an investigation as to the intention of the parties in printing some part of the Report in italics, or omitting some portion of it? But then the Honourable Baronet next suggested that this question should be left to the judge. Such an anomalous proceeding is wholly unknown to the law of England. It would be investing the judge with the functions of a jury, and would produce great confusion. It seems to me, that, by adding the clause, we should be defeating the object which the House has in view in passing the Bill.

SIR E. SUGDEN. — The clause proposed by my Honourable Friend will protect not only the printers of newspapers, but booksellers. It seldom answers the purpose of a newspaper to give more than a faithful abstract of a Report; and all such should be protected. But I withdrew my clause, because I did not see how it could work with the machinery of the present Bill. I do hope, therefore, that my Honourable Friend will withdraw his motion, and introduce a Bill for the purpose, as the machinery of the present Bill must be affected by any clause of the kind.

SIR R. INGLIS. — I trust that the House, whether it accept or reject the clause, will pardon me while I state that I have been entirely misapprehended as to my object. I did not mean to give you, Sir, in addition to your numerous labours, the trouble of comparing, word for word, all copies of our Reports. I merely wish that you should certify that a certain Blue Book was published by order of the House; and then the proprietor of the newspaper could prove in court that his publication was a faithful copy of that Report. However, as I see the feeling of the House is against me, I will not put it to the trouble of another division.

Question, " That the said clause be brought up," put, and negatived.

On Clause 3. being proposed, —

SIR E. SUGDEN said: — I move the omission of this clause, on the ground which I formerly stated, that though the warrant of the Speaker might be legal, it might be shown there was an excess in executing it.

The SPEAKER. — I would submit to the Right Honourable Member that if he omit this clause, it will be necessary to move the omission of that part of the preamble which has reference to it.

SIR E. SUGDEN. — Then, Sir, I

move that so much of the preamble be omitted as has reference to the clause. The words I would omit are — " And whereas an action hath been brought, and is now depending, against certain persons employed in the execution of a warrant granted and issued by the Speaker of the House of Commons, during the present Session of Parliament, for taking into custody the person therein named, and it is expedient that such action should be put an end to, and that no other action should be allowed to be brought or prosecuted in respect of the execution of any such warrant which has been so granted or issued by the said Speaker as aforesaid, during the present Session of Parliament."

LORD JOHN RUSSELL. — I think it better the clause should pass, in order to get rid of the numerous actions which are now pending.

LORD HOWICK. — I have the same objection to this clause that I have to the Bill itself; that it tends to throw a doubt on our power to defend our privileges. It is very true it gets rid of the Howard action; but the moment the Bill passes, Mr. Pearce, or Mr. Howard, jun., may bring similar actions. At all events, it does not at all apply to persons who may hereafter be found guilty of a contempt. I shall, under this conviction, vote with the Right Honourable Member for Ripon.

The ATTORNEY GENERAL. — If this clause pass, it will dispose of all actions down to the very day the Bill receives the Royal assent. That will be a great public advantage; and it will be gained without, in the slightest degree, impairing the power of the House in future. I should therefore prefer, although it is not essential to the Bill, that the clause should stand.

Mr. DARBY. — How are we to get rid of the actions which may be brought after this Bill has received the Royal assent? If we allow them to be proceeded with, it will be a tacit condemnation of our present conduct. According to the statement of the Honourable and Learned Gentleman, the same reasons which now exist for the clause may again arise. If you mean to stop actions, act with courage, and stop them altogether. As this clause will not have that effect, and is, therefore, in my opinion useless, I shall vote with my Right Honourable Friend.

Mr. GORING. — Notwithstanding the eloquence of the Honourable and Learned Gentleman opposite, I cannot be convinced that this clause should pass. The object of this Bill is, to give protection to whatever we may see fit to publish, — a protection which we ought not to possess, except our Reports were, previous to publication, subjected to a rigorous supervision. However, I shall not trouble the House at greater length, as I feel convinced the Bill will be rejected elsewhere.

SIR R. PEEL. — In my opinion, the speech of the Honourable Member should rather have been made on the second reading, as the question now is, merely as to the insertion of the third clause. I confess, that I fear very much that the effect of this clause will be to weaken our power in case of future actions. The Bill itself does not weaken, or even touch, our privilege; it merely gives us a more effectual means of exercising it. However, while I feel the force of this objection, I think that, in the present excited state of the public mind, an advantage will be gained by getting rid of all the actions arising out of the Stockdale case. And as the Attorney General has expressed a strong opinion in favour of the clause, I am inclined to vote for it, although of its propriety I have considerable doubt.

SIR ROBERT INGLIS. — For some time I thought my Right Honourable Friend intended to vote with the Right Honourable and Learned Member for Ripon, and that, for once, I should have the honour of voting with him on this question. I oppose this clause, because I believe that there is no warrant of any court in the empire, which, in its execution, may not involve a violation of the law. The question is — not whether the Speaker may issue his warrant, but — whether the officer, in executing that warrant, may violate the law with impunity? Holding these opinions, I shall vote with my Right Honourable and Learned Friend for the rejection of the clause.

Mr. HOBHOUSE. — In my opinion, the clause is open to all the objections to which the Bill itself is liable. Any special clause will, I conceive, weaken the protection at present enjoyed by the Sergeant-at-Arms. Let us suppose, for instance, the case of a Member of this House illegally arrested. In that case the Sergeant-at-Arms would commit the sheriff, who would immediately take his action for false imprisonment. There is nothing in the Bill to prevent that. On hese grounds, seeing that a special proection would only provide for a particular ase, while it would weaken our power generally, I think that the clause should be expunged.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided: — Ayes 110, Noes 0; Majority 70.

AYES.

Adare, Lord Viscount
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baring, Rt. Hn. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Berkeley, Hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, W. J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Butler, Hon. Colonel
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Collier, J.
Courtenay, P.
Curry, Mr. Serjeant
Damer, Hon. D.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
Divett, E.
Douglas, Sir C. E.
Dunbar, G.
Dundas, Sir R.
Elliot, Hon. J. E.
Evans, Sir De L.
Evans, W.
Fremantle, Sir T.
Gordon, R.
Goulburn, Rt. Hn. H.
Greg, R. H.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Hall, Sir B.
Hardinge, Right Hon. Sir H.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Herries, Rt. Hn. J. C.
Hodges, T. L.
Humphery, J.
Hutton, R.
Langdale, Hon. C.
Lister, E. C.
Lowther, J. H.
Lynch, A. H.
M'Taggart, J.
Maule, Hon. Fox
Morpeth, Lord Visct.
Morris, D.
Muntz, G. F.
O'Connell, John
O'Conor Don
O'Ferrall, R. M.
Parker, J. (Sheff.)
Parnell, Rt. Hn. Sir H.
Peel, Rt. Hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pinney, W.
Praed, W. T.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Rickford, W.
Roche, W.
Rundle, J.
Rutherfurd, Rt. Hn. A.
Scholefield, J.
Seymour, Lord
Slaney, R. A.
Stanley, Hon. E. J.
Stanley, E.
Stansfield, W. R. C.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Vernon, G. H.
Vivian, J. H.
Vivian, Right Hon. Sir R. H.
Wakley, T.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.
Young, J. (Cavan)

Tellers.

Anson, Hon. Colonel
Tufnell, H.

NOES.

Bentinck, Lord G.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Bruges, W. H. L.
Cochrane, Sir T. J.
Duncombe, T.
Duncombe, Hon. A.
Ewart, W.
Fitzroy, Hon. H.
Gisborne, T.
Goring, H. D.
Grimsditch, T.
Hobhouse, T. B.
Hope, G. W.
Howick, Lord Visct.
Hume, J.
Ingham, R.
Jones, J.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Mackenzie, T.
Martin, J.
Maunsell, T. P.
Neeld, Joseph
Neeld, John
O'Brien, W. S.
O'Callaghan, Hon. C.
Pemberton, T.
Plumptre, J. P.
Pusey, P.
Richards, R.
Rushbrooke, Colonel
Rushout, G.
Sugden, Rt. Hn. Sir E.
Sutton, Hn. J. H. T. M.
Vigors, N. A.
Warburton, H.
Wood, Colonel T.
Wood, B.

Tellers.

Darby, G.
Inglis, Sir R. H.

SIR EDWARD SUGDEN. — I beg to state that I have voted for the Bill under the impression that the Noble Lord is prepared to consider how the gratuitous and unnecessary publication of libels, in the publications of this House, shall be guarded against. I will not oppose the third reading of the Bill; but if it should go forth as law, whilst the rules remain as they are, the House will be thought guilty of neglecting the public interests by protecting its own privileges, without giving the necessary protection to individuals against being libelled. Under the impression, however, that the Noble Lord will address himself to the necessary means for preventing unnecessary libels being published in the parliamentary papers, I will not oppose the passing of the Bill.

The ATTORNEY GENERAL. — I can assure my Right Honourable and Learned Friend that every regulation of the kind which will not have the effect of cramping the privileges of this House, will be supported by the Government. I do not, however, believe that any material injury has been done to private character by the publications of the House.

The SOLICITOR GENERAL. — I will not occupy the attention of the House further than to say that the opinions I at first entertained against the Bill remain quite as strong as when I originally expressed them.

Mr. DARBY. — Although I think the security provided by the Bill should be permanent, I shall not oppose it in its present advanced stage.

Mr. WARBURTON. — I beg to say that I will not consent to any proceeding respecting our papers which shall not come from a Committee.

Bill passed.

On the motion of the ATTORNEY GENERAL, addition made to the title of the Bill to the following effect: — "And to any persons employed in the execution of certain warrants granted by the Speaker of the House of Commons during the Session of Parliament."

SUPPLY. — ORDNANCE ESTIMATES.

On the question, "That the House do resolve itself into a Committee of Supply," —

An HONOURABLE MEMBER said:—May I inquire from the Honourable Secretary of the Treasury, whether there is any intention of increasing the steam force in the Mediterranean?

Mr. MORE O'FERRALL. — The subject is under consideration.

MILITARY ACADEMY AT WOOLWICH.

CAPTAIN BOLDERO. — Sir, I rise for the purpose of calling the attention of the Right Honourable the Master General of the Ordnance to statements that have appeared in certain military periodicals; — statements intended to injure the character of the distinguished officer who presides over the Royal Military Academy at Woolwich. The statements to which I allude, in accounting for the frightful state of disorganisation lately exhibited in that establishment, give, as one reason for it, that the academy has been, since the accession of the present Master General of the Ordnance, made an arena for political jobs; that, in fact, the irregularity has been caused by the introduction of youth whose parents possess political influence, to the exclusion of the sons of old and meritorious officers. The periodicals I have mentioned beg to know the number of cadets, the sons of civilians, from Devonshire and Cornwall, who have lately been admitted: they ask, what has been their conduct since admission? and then they charge, that these admissions have been made subservient to electioneering purposes. These charges are made in influential periodicals, having great circulation in military circles; but, for myself, I can sincerely state that I believe them to be unfounded; and I am content merely to call the attention of the Right Honourable and Gallant Officer to them. But I wish to say a few words with respect to the discipline of that establishment. During the last nine or twelve months, it has been found necessary to remove no less than seventeen or eighteen cadets from the academy. Now, from my experience of that establishment, I should have thought it would have required as many years to have disposed of such a number. It is necessary, therefore, that some explanation should be offered of the fact of the system of discipline being so much relaxed as to require such wholesale dismissals. I know that some of these cadets have been discharged on account of idleness, or want of ability but the larger number, I believe, have been expelled for breaches of military discipline. I am quite aware that there are various grades of crime recognised in that establishment, and various degrees of punishment provided. For instance, if it be thought expedient that a youth should be removed, the Master General of the Ordnance writes to his parents, stating his offence, and that it is desirable that they should take him away. This, of course, is very distressing to the parents; but how much worse is the punishment given in these late cases,—that of peremptory dismissal. The House will bear in mind that, by expulsion from the academy, all the prospects of the youth are blighted; he is rendered incapable of serving in the army or navy, and incompetent to fill any office under the Government; and I trust that we shall hear from the Master General of the Ordnance that no cadet has been expelled unless some decided moral taint has attached to his character and conduct.

I will not bring forward individual cases, nor will I mention names, but I will advert to the fact of one of the charges brought against three of the youths; which was, that, with a view of trying the courage of one of their comrades, they got up a sham duel, with pistols loaded with powder, and a sponge saturated with blood. The boy who, on that occasion, was the subject of their frolic, gave such decided proofs of courage, that he has been the favourite of the school ever since. I believe that some slight accident did occur on that occasion; and I do not mean to say that boys should not be punished for such as absurd and improper frolic; but, at the same time, I trust that expulsion was not visited on these young men on that account alone; as, in my opinion, a much less punishment would have been sufficient to satisfy the ends of justice.

In my opinion, the reason for the greater relaxation of discipline witnessed now, as compared with former years, is, that, whereas, in former times, the age for admission was from fourteen to sixteen years of age, it is at present from fifteen to seventeen. Now, I am very much inclined to think that the sooner a boy enters the academy the better; and if the system of admitting from fourteen to sixteen worked well, why alter it? The artillery and engineer corps were supplied, during the ast war, with officers entirely from Woolwich; and there is not an instance n the history of that war of a fort having successfully resisted the efforts of those officers; nor did they, in a single instance, display any want of zeal, talent, or courage. That was the system which carried us through the whole Peninsular war; and I fear that it is by having altered the age of admission that we have shaken the discipline of this great national establishment.

There is another defect in the system, o which I would allude, which is, that a youth is not permanently inrolled until he has gone through twelve months' probation. I think that this probationary year induces many a youth to leave the academy, having imbibed a distaste for military restraint; whereas, if he were nrolled at once, he would soon become econciled to it, as inevitable. I take the iberty of making these suggestions, beause I have been at the academy myself, nd know the working of it; and I would onfidently promise the Gallant General opposite, that the discipline of the academy will not suffer, if he will exercise his prerogative, by restoring these youths, whose conduct, however imprudent, has een free from any immoral or dishonourng taint. Let him consider what sorrow as been inflicted on the respectable portion of the community of which the conections of these young men form a part, y their disgraceful expulsion from the cademy, and the blighting of all their uture hopes. Let the Gallant General ive them an opportunity of recovering is good opinion; and let us hope that the unishment they have received will be ufficient to make them assiduous stuents; so that, at no distant day, they may ecome an honour to the profession for hich they are intended; and I trust that he Gallant General will live long enough to see that his confidence has not been misplaced. Sir, I take up this subject rather warmly, because I commenced my own military career in the academy at Woolwich; I imbibed my first impressions, and formed many friendships there. I make these observations out of no feelings of opposition to Her Majesty's Government; but, in the name of the parents of the youths, I do hope that the punishments they have already suffered will be considered sufficient, and that the Gallant General will see fit to reinstate them, and thus restore peace to the minds of those parents who now have to grieve for the prospects of their children blighted, and their characters disgraced.

SIR HUSSEY VIVIAN.— Sir, I am not at all surprised at the anxiety evinced by the Honourable and Gallant Officer opposite on behalf of the institution to which he has alluded. This House, perhaps, is not the proper arena in which the discipline of the academy should be discussed; but, at the same time, I am unfeignedly obliged to my Honourable and Gallant Friend for having brought forward the subject, inasmuch as it affords me an opportunity for contradicting the many unfounded, or, as they may be justly called, libellous, statements that have gone forth to the public. With respect to the occurrences that have taken place in the Royal Academy at Woolwich, the facts are simply these:— For a number of years, there had existed at the academy a system called "neuxing," equivalent to what is called "fagging" at public schools; and it was reported to me that, under this system, some of the younger boys had been much oppressed. Last year, when I was engaged in the North of England in the performance of my duties, visiting the various baracks,— then full of troops, in consequence of the disturbed state of the country, — I received information that one of the youths of the academy had been much ill-treated, and the following day a second report reached me that two of the boys had deserted and gone to France. Being unable to be present in person on the spot, and imagining that the desertion of the two youths might also be caused by ill-treatment, I directed a Committee of Inquiry, consisting of five of the most distinguished officers of the corps, to assemble, and directed that the whole matter should be thoroughly investigated, and that the Committee should forward to me a full Report of the circumstances, with the names of the youths who had misconducted themselves. I hold in my hand an abstract of that Report; but, before I read it, I may observe that Lord Bloomfield — a man distinguished alike for his high and honourable character, his integrity, and his humanity — presided over that inquiry. I will not, of course, read the names of those who have been expelled, but I will simply state what were the crimes for which the Committee felt themselves compelled to recommend their removal from the academy. No. 1. was for striking another cadet, for leaving the hospital without orders, and for general insubordination; Nos. 2. and 3. for desertion; No. 4. for abuse of his authority as a corporal. This had been one of the best conducted youths in the establishment; and I have since restored him. No. 5. was for ill-treating another cadet; Nos. 6. and 7. for insulting other cadets, and being engaged in the mock duel that has been alluded to. Now, I will not go into the circumstances attending that duel,—it would not be right in this House; but I think I shall be able to satisfy my Honourable and Gallant Friend that the Committee had no alternative than to act as they did. I have no hesitation in saying that one of the youths concerned in that transaction had been, previously, one of the best conducted in the academy; and nothing gave me more pain than being obliged to expel him. No. 8. was for being concerned in the said mock duel; however, his conduct had been bad before. Nos. 9. 10. and 11. were for ill-treating other cadets; and No. 12. was for repeated insubordination: but of those twelve, one has been restored. Then there was one discharged for a breach of discipline, in keeping company with discharged cadets; another for ill-treating a brother cadet; a third for disobedience; and a fourth for intoxication during the hours of study.

Such were the crimes for which those youths have been discharged; and, notwithstanding the statements to which the Gallant Officer has referred, I can distinctly declare it to be my firm conviction and belief, that nothing has occurred at the academy at Woolwich which has not frequently occurred in other public establishments of the same description, and where youths of the same age are collected together. There was an instance before, in which thirteen cadets were dismissed. These things often happen at our public schools, at our colleges and universities, and at other public institutions, both abroad and at home; and so it ever must, from time to time, be the case, when youths of so mature an age are brought together in considerable numbers. In an establishment of this description, it ever must be a great object to preserve discipline; — that has ever been one of my objects; and I hope that all who know me will do me the justice to believe that it gave me the greatest pain to be obliged to have recourse to such a measure in order to effect it. Much in these unpleasant transactions has arisen from a determination, on the part of the elder students, to resist my determination to put an end to the ill-treatment experienced by the younger students by the system of fagging; and my Honourable Friend will perceive that the dismissal of the greater part has been occasioned by such conduct, on their parts, towards their juniors. Their dismissal was necessary to the discipline of the academy; and I have now the greatest possible satisfaction in stating that, since those transactions, up to the present time, the Report of the state of the academy is, in the highest degree, satisfactory; — one instance only of misconduct is stated to have occurred, and in no instance has there been any ill-treatment of the junior cadets.

Now, respecting the alteration in the time of life, to which the Gallant Officer has adverted, at which youths are to enter, I must first observe that, on looking back to the Reports of the academy, I find that, whilst they were admitted at the age of fourteen, nearly one half never passed up to their commission. At that early age, sufficient time had not been afforded to them to acquire those rudiments of education which were essential to their subsequent success in the military academy. Having found this to be very generally the case, I appointed a Committee, at the head of which was Sir Alexander Dixon, an officer of the highest possible distinction, and to whose name I cannot refer without coupling it with everything that is honourable and good, and the soundness of whose judgment I am sure no one acquainted with his character will question. He it was who concurred with myself and others in deciding that the qualification for admission to the academy should be higher, and that the age of the youths, upon their admission, should not be less than fifteen years. This arrangement has been attended with the most complete success; inasmuch as that, instead of being called upon to discharge a considerable number of youths, upon their probationary examination, during the last two years, I have scarcely been under the painful necessity of discharging one fifth of the number that were formerly discharged at the probationary examinations. The Gallant Member (Captain Boldero) has referred to the statements—

the calumnious, the libellous, the utterly false and unfounded statements — that have been made in some publications, with respect to myself, and to the manner in which I have distributed the patronage of the military academy. I have been charged with prostituting it to personal and political purposes; because I reinstated one youth of the name of O'Connell, and another named Maude. In one paper, from which my Gallant Friend read extracts, it is said that I reinstated the one at the dictation of the Honourable and Learned Member for Dublin; and, in another paper, it is asserted that the other was permitted to return at the request of two Whig uncles. Now, what are the facts?

First, with respect to Cadet Maude, — he was one of the young gentlemen whom, I have just now stated, I felt it my duty to remove from the academy. I did so with very great regret, for he was a remarkably fine young man, and possessed many qualifications which seemed to fit him admirably for the profession in which he had embarked. But, unfortunately, he deliberately (but, certainly, not with the intention of doing him the injury he did) struck a younger comrade in such a way as to render it necessary that he should be sent to the hospital. When the circumstances under which this offence was committed were made known to me, I immediately ordered that Maude should be removed from the academy. Great interest was made to procure his restoration. Applications poured in from many quarters, which it was most painful to refuse; but I steadily resisted them all. I refused the application, not only of the youth's Whig uncle, Lord Dunally, a friend and a connection, but of his Tory uncle, Lord Hawarden, an old and cherished friend of mine, as well as of the youth's father, also a personal friend. I refused an application from the highest authority in the Government. I refused other applications that were made by other parties; and I did not consent to restore Mr. Maude until after the vacation, when a petition, which I will now read, was presented to me from the cadets of the academy.

> Sir, — On assembling once more to resume our studies at the academy, we are not unmindful of an event which we bitterly lament, and which cast a gloom over our minds at our departure for the vacation.
>
> We humbly submit to the decision you then made, on the Report of the Court of Inquiry laid before you; and we pledge ourselves, collectively and individually, to use our utmost exertions to put a stop to that system of severity towards the junior members of the establishment which has been so strongly marked by your disapprobation.
>
> We trust it will not be deemed unbecoming in us to offer our earnest prayer that, considering the general good conduct and character of our late companion, Corporal Maude, and the rapidity with which he had advanced to the highest class in the academy; considering, too, the utter ruin of all his prospects, and the bitter disappointment and grief which his dismissal, at such a moment, must occasion to himself, and to his parents, you will graciously direct a mitigation of his punishment, and restore to his station amongst us one who is universally esteemed by his companions, and who appears to be particularly qualified for the profession he had chosen.
>
> Your favourable consideration of this our prayer will confer the highest obligation on your most obedient servants.
>
> We, the undersigned junior members of the Royal Military Academy, do heartily concur in the object of the above petition, and annex our earnest hope and entreaty that it may be favourably considered.

This was signed by every cadet in the academy. I immediately went down to Woolwich, and assembled the whole of them, and told them that, although, in a military point of view, they had acted improperly in addressing me in this manner, I would look over that point — would accept the pledge they had offered me — and would restore the youth in whose favour they had so strongly interested themselves, and whose re-instatement I had refused to the most influential friends. Thus I yielded to the compassion of the young man's comrades all that I had refused to the entreaties of my own personal and political friends; and I did so in the hope that, in the redemption of the pledge given me, I should find a stop put to the ill-treatment of the junior cadets; and for some months I was not disappointed. So much, then, for the motives that have governed me in this instance. The youth named O'Connell is the son of a very distinguished general officer, who, I believe, is a relative of the Honourable and Learned Member for Dublin. But I really do not, even at this moment, know whether the Honourable and Learned Member for Dublin is aware that the youth, the son of his relative, is a cadet in the Woolwich Academy. General O'Connell is now commanding in Australia; and it was at the earnest request of the father that I placed this youth in the academy. Unfortunately, he was found wanting in his probationary examination, and, in consequence, was ordered to be removed. I hold in my hand a letter which I subsequently received from the young gentleman himself, explaining the cause of his failure, and asking to be permitted to make another trial. It was in these terms: —

> I trust, Sir, you will not feel offended at my

> addressing you by letter on this subject, when you consider the utter ruin to my prospects in life that must result from my discharge, and the distress which it must occasion to my father and family, who are now all in New South Wales. I feel confident you will pardon this appeal on the part of the son of an old and distinguished general officer who throws himself on your kindness, your good nature, and your mercy.

After the receipt of the letter, I inquired again into the case, and found that the young man's failure had, in a degree, been owing to the want of a proper education previous to his being admitted to the academy. I therefore consented to restore him; and, in so doing, I feel confident that no Honourable Member who now hears me will consider that I have justly exposed myself to the charges that have been brought against me in the calumnious publication I now hold in my hand, and to which the Gallant Member (Captain Boldero) has referred, and from which he has quoted. Having thus explained the state of the academy, and the circumstances that have recently occurred there, I shall now feel it necessary to trouble the House with a very few observations in reference to the other charges that have been made against me in some of these newspapers referred to; and from which extracts have been read by the Honourable and Gallant Gentleman by whom this subject was introduced. I should not feel justified in troubling the House, were it not that my conduct is of some importance to my friends around me; as, were it such as it is here represented, I should be unworthy to hold a place in any Government. The first to which I beg to refer is in these terms—it is from the *United Service Gazette.*

> We continue to receive numerous communications on the subject of the Royal Military College at Woolwich, in which various reasons are assigned for the frightful state of disorganisation to which that establishment has recently been reduced. Whatever the causes may be, it is high time they were ascertained, and some powerful remedial measure applied. The primary one we believe to be, that the establishment has been made an arena for political jobs; that youths have been introduced into the academy, having no claim whatever to the privilege, at the expense of the children of old and highly meritorious officers in the Royal Artillery and Engineers, who have no political influence wherewith to back their applications to the Master General. We should like to know how many of the children of civilians, and of Devonshire and Cornwall more especially, have been introduced into the academy during the last three years, and what their conduct has been since they first entered it. We are assured that a large proportion of the excesses which have recently brought so much disgrace upon the institution have been committed by the sons of civilians, who have received their appointments for no other reason in the world than that their parents are among the political supporters of the Government, and of the Master General more especially. The chief ground of the evil we have already referred to is the corrupt spirit in which the patronage of the academy is administered, the shameless audacity with which all pretext of impartiality is set aside, when any political object is to be gained.

First, then, with respect to political objects, and to the admission of the children of political friends into the academy. I have not the slightest hesitation in saying, that whenever any of my friends here around me have applied to me to admit a son into the academy, and I have had the means of complying with their request, I have always felt the greatest pleasure in doing so, and will do so again; but, at the same time, I must observe, that I have friends on the other side of the House, as well as on this; and whenever they have made a similar application, and the means have been in my power, I have been happy to have had it in my power to meet their wish.

[Cries of "Hear, hear!" from both sides of the House.]

I have always held that admission into the military service of the country should on no account be made to depend on politics; and if such were ever to be made the rule, I should hold it to be a great misfortune to the country. Although the parents may differ in this and in the other House of Parliament, I see no reason why the children should not go forth together to fight the battles of their country. If, therefore, since I have held the office of Master General, by the nomination of a Shaw, a Jocelyn, or an O'Connell, as cadets at the Woolwich Academy, I shall have enabled the children of those politically hostile families, on some future day, to fight in the same battery, to stand in the same breach, and to gather glory in the same field, I shall feel that, in making such appointments, I have done that which may effect much good to my country, and certainly, according to my notions, no harm to the party to which I belong. I must now beg to say a word or two in reference to the allegation of my having used the patronage of the academy for personal purposes. I have been asked, how many youths from Cornwall have been appointed within the last few years? In reply to the question, I can state, that since I have been at the head of the Ordnance, I recollect five youths only who have been admitted and remained who could be said to have had any connection whatever with Cornwall. Of these, the first was admitted upon the application of a very distinguished officer, who had been severely wounded in the service, who was then living at Falmouth, but with whom I have no personal acquaintance. On receiving his letter, I sent it to Lord Fitzroy Somerset, to inquire whether the statements of service which it contained were correct. The reply was in the affirmative; and his son was, in consequence, appointed. The second youth was also the son of an officer, a captain in the navy, now living in Ireland. The third was, certainly, the son of a political friend of mine, once a member of this House, but for some time past resident abroad, and who did not vote at the last election. The fourth was the son of a clergyman living in a parish where I have property, but who is decidedly opposed to me in politics, and who, at the last election, plumped against me. The fifth was the son of a gentleman living in the western division of the county, and who has neither vote nor interest in the eastern division, which I represent. So much, then, for the prodigal manner in which I have granted admissions to the academy to my Cornish friends. I could give an equally satisfactory explanation with respect to the cadets from Devonshire; but as the House appears perfectly satisfied, I will proceed to reply to another charge,—that of not appointing so many children of old officers as my predecessors.

Now, with respect to the children of old officers, the regular rule, or rather the general custom, has been, to admit them into the academy in the proportion of about one half of the whole number admitted. To cover the expenses of the academy, which are considerable, it is found necessary to admit the sons of civilians, who pay in a much higher proportion than the sons of old officers; besides which, it would not be just to exclude the children of civilians. Of the 141 cadets who have been admitted within the last three years, 78 were the sons of old officers; being, in fact, a much greater proportion in favour of the latter than has ever occurred at any former period. I trust that this plain and explicit statement will have convinced the House that I never have been guilty of such unworthy conduct as has been attributed to me in the libellous columns of the paper from which my Honourable and Gallant Friend read extracts. I should have been unworthy of the distinguished office I fill,— I should be unworthy of remaining the colleague of my friends around me,—if I could so have conducted myself. There is one other statement made in the papers from which the Gallant Officer has quoted, but to which he has not adverted; and to which I advert, principally, for the sake of showing the malignity to which party spirit will induce people to resort, in order to blacken and defame the character of their opponents. The paper to which I refer, after noticing the case of Cadet Maude, to which I have already replied, goes on to say,—

> Nay; as if to show how far the vilest party spirit can be urged, we actually know an instance where the Master General took out of the hands of a commanding officer in the Royal Artillery the disposal of a subordinate appointment which had always heretofore been left in their gift, and conferred it upon a man, in direct opposition to the recommendation of the commandant, because his wife (a woman, by-the-bye, of bad character) was the daughter of a Cornish voter. But we are tired of multiplying instances, all tending to establish the one truth, which experience has now almost universally recognised,—namely, that the Whigs, as a governing party, are the most contemptible in spirit, the most tyrannically corrupt, that ever cheated the generous confidence of a nation.

Now, really, when I read that passage, I could not understand it. I could not at all imagine to what circumstance it referred. I directed my secretary to write to Lord Bloomfield on the subject; and here is Lord Bloomfield's answer:—

> Woolwich, 15th March, 1840.
>
> Dear Elliot,—I have looked into our correspondence, and, by Colonel Jones's permission, into that of his office, touching the subject of your note. It does not appear that Sir Hussey, in any instance, interfered with the privileges of commanding officers, but on every occasion most anxiously upheld them.
>
> I return the paper, wishing that the editor was made aware, and through him the public, of the entire absence of all political feeling in the exercise of Sir Hussey's patronage.
>
> Yours sincerely,
> Bloomfield.

I did not rest here; and, on further inquiry, I discovered that it must be meant to refer to a circumstance which occurred in October last; which was, that the commandant of one of the battalions proposed promoting a young sergeant (a very deserving and excellent man, certainly) over the head of one of the oldest and most gallant non-commissioned officers in the Royal Artillery. The circumstance was brought under my notice by Sir Alexander Dixon, the deputy adjutant general of the Royal Artillery. I directly wrote the minute I will now read to the House:—

> Glynn, October 13. 1839.
>
> I am very much obliged by your bringing under my observation the case of M'Kown. As I hope I have never, in any instance, allowed favouritism to supersede claims, in the higher

appointments, I shall not be disposed to admit of it in the lower. Colonels commandant, as long as they exercise justly and properly the patronage they hold, shall find no interference on my part; but I never will admit of an old soldier being dealt unfairly with, or allow a junior to be placed over his head, unless under some very extraordinary circumstances; seeing, especially, that, more than in any other corps in Her Majesty's service, promotion by gradation has been the practice in the Royal Artillery for a long number of years.

(Signed) H. V.

I am sorry to trespass at such length upon the patience of the House; but the subject is one of great consequence to me, and of some consequence to my friends around me; and I trust that the House will think, by the explanation I have now given, I have entirely exonerated myself from the suspicion, even, of ever having allowed myself, in any part of my conduct, to be influenced by the unworthy and discreditable motives these scurrilous libellers have thought proper to attribute to me.

With respect to the re-admission of any of the youths who have been dismissed, pressed upon me by the Gallant Officer, I have only to say, that nothing would give me greater pleasure, if I could do so without injury to the discipline of the academy. I have paid great attention to the subject; and have already, some time since, referred the matter to the consideration of the Committee of Inquiry. My present impression is, that I cannot well restore any of them; certainly not just yet;—and any being eventually restored must depend on the conduct of those now at the institution. I will, however, not lose sight of an object I have, myself, much at heart. If, however, I should be induced to restore any of them, it can only be those who have been conspicuous for uniform good conduct prior to the occurrence of these unfortunate circumstances.

Mr. HUME.—I wish to know from the Gallant General how many of the hundred young men appointed as the sons of old officers received commissions during the last year?

SIR H. VIVIAN.—I believe about twenty-five; but I have not the Return with me.

Mr. GOULBURN.—Sir, being a person having no connection with military matters, if I say anything upon this subject, it will be from feelings quite apart from any military considerations. I cannot, however, help feeling for the painful situation in which the parents of the young men who have been dismissed have been placed. Nor can I help feeling that there must have been something seriously wrong in the management of the academy, before the necessity could have arisen of resorting to so painful an expedient as the dismissal of fifteen or sixteen cadets at the same moment. I am quite sure that the Gallant General has acted only from a sense of duty, and that he has performed his duty most faithfully; but, at the same time, I cannot help thinking that the necessity of such severe measures must, to a great extent, have been regulated by the age of the offending parties. If they were of such an age as to be easily led away, I cannot help thinking that expulsion was rather a severe step. On the other hand, if they were old enough to appreciate the consequence of their conduct, then, however painful it might be to his feelings, the Gallant General had no alternative but dismissal. What I would wish to impress upon the Gallant General is, the necessity of a vigorous and constant watchfulness, which would prevent those excesses, and thus preclude the necessity of such severe punishment. If I understand the Gallant General rightly, expulsion to a large extent has been found necessary on two separate occasions; and I feel convinced that that necessity might have been avoided, if ordinary watchfulness and attention to discipline had been observed.

SIR H. VIVIAN.—One word in explanation. The thirteen to which I have alluded as having been expelled, were so punished when the Duke of Wellington was at the head of the Ordnance. I can assure the Right Honourable Gentleman that there has been no want of attention, on the part of the head of the academy, or of the other officers belonging to it. The offence for which the greater part of the cadets were dismissed was that of oppression to their younger comrades,—a vice which they evinced their determination to persist in, in spite of the remonstrances and the commands of their superiors.

Mr. GOULBURN.—What I wished to impress upon the Gallant General was, that if the discipline had been preserved in the first instance, all the painful consequences that have since occurred might have been avoided.

SIR HENRY HARDINGE.—In my opinion, the Right Honourable and Gallant General has pursued the only proper course. Most of the young men who have been dismissed had attained the age of 15, 16, or 17 years; they were perfectly aware of the consequences of their misconduct, but, nevertheless, persisted in it. Under such circumstances, the Gallant General had no other alternative than to refer the conduct of the young men to the consideration of the Committee; to take the Report of the Committee upon it; and, if it were unfavourable, to act upon it at once, and dismiss the parties who had offended. If I had been in the position of my Right Honourable and Gallant Friend, I should have acted precisely in the same way. Nothing could be more embarrassing, or more injurious to the future discipline of the college, than to yield to the solicitations that have been made for the restoration of these disobedient young men, unless very special circumstances in their favour can be made out.

I have no doubt that the college, composed, as it is, of young and ardent spirits, requires a severe discipline; and when it is known to the young men that their misconduct will be met by a severe punishment, I hope they will reflect more deeply on the consequences of disobedience, and will behave better in future. I must say, that it has given me great pain to find my Right Honourable and Gallant Friend resort to a defence, in detail, against the calumnies that have been heaped upon him. In the high situation that my Right Honourable and Gallant Friend fills, and after his long and brilliant career in the service of his country, it is painful — nay, it is humiliating — to see him enter into a defence of his conduct;—and a defence from what? From anonymous attacks in newspapers. Why, if public men were from day to day to come down to this House and give an explanation of any attack that might be made upon them in the newspapers, or in pamphlets, or in any other anonymous publications, they would not only lose the time of the House, but would lose, also, much of the dignity which belongs to their own person and their own station. I should have never heard of any one of the charges to which my Right Honourable and Gallant Friend has this evening so convincingly replied; and I am only surprised that my Right Honourable and Gallant Friend should have condescended to give any explanation which his high and unblemished character does not render necessary. At all events, I hope that this is the last time that I shall hear a Master General of the Ordnance defend himself from any petty attack that may be made upon him in a newspaper or other anonymous publication.

COLONEL ANSON. — The Right Honourable and Gallant Gentleman must remember that these charges were not made in newspapers only, but that an attack has also been made by an Honourable and Gallant Member opposite. I must say, that I think, under the circumstances, my Right Honourable and Gallant Friend could have pursued no other course than to have given the explanation requested.

SIR ROBERT INGLIS. — I maintain, Sir, that the Honourable and Gallant Member behind me made no attack upon the department of the Right Honourable and Gallant Gentleman; on the contrary, he expressly stated that he did not himself believe the allegations that were made against it. What I rise, however, to complain of is, that this matter should have been introduced to the attention of the House at all. I cannot but deem it highly inexpedient and improper that the House of Commons should be made a court of review upon the proceedings of the Royal Military Academy at Woolwich.

Mr. WARBURTON. — I do not think there was anything offensive in the observation of the Honourable and Gallant Member opposite: he repeated statements from newspapers, and my Right Honourable and Gallant Friend had no other course to pursue than to answer the calumnies which those statements contained; and, for my own part, I can see nothing improper in the course he has adopted.

SIR G. DE LACY EVANS. — I agree with my Honourable Friend who has just sat down, that the Right Honourable and Gallant Officer had no other course to pursue than to reply to the charges that have been made against him. The Honourable and Gallant Member opposite did not make, but alleged, charges against my Right Honourable and Gallant Friend; and the high character which he so deservedly bears made it natural that he should not pass them over unnoticed. I regret, however, that the subject has been introduced at all; though I concur with the Right Honourable and Gallant Member for Launceston, that, in a military college, it is absolutely necessary that an exact and rigid discipline should be enforced.

CAPTAIN BOLDERO. — The Honourable and Gallant Colonel opposite has accused me of having made an attack on the Right Honourable and Gallant Gentleman. I regret that the Gallant Officer should have said this; for I really did no such thing: on the contrary, I completely exonerated the Right Honourable and Gallant Gentleman from the charge of having made use of the academy for the purposes of political jobbing. It appears that seventeen cadets have been sent to the right-about without any reason whatever having been assigned for it; and I merely asked for some explanation upon the subject. I hope, under the circumstances, these youths may be allowed to return to the academy.

COLONEL ANSON. — I merely rise to state, that I did not mean to say that the Honourable and Gallant Member had himself made any direct attack upon my Right Honourable Friend.

MEDITERRANEAN STEAMERS.

SIR THOMAS COCHRANE. — Before the House goes into committee, I wish, Sir, to be allowed to put a question to the Honourable Gentleman the Secretary to the Admiralty, respecting the Government steamers employed in the packet service in the Mediterranean. Some statements have appeared in a public print, written by a lady, as to the treatment of passengers on board those vessels, which appear somewhat to affect the character of naval officers. I will not go into the particulars, and I hope the statements are not correct; but I wish to know whether the Government have received any complaints upon the subject. I think that it is derogatory to naval officers to be employed in this description of service at all. At all events, I consider that the commanders of these steamers should have salaries which would place them above all temptation of being parsimonious towards their passengers, and would disconnect them from any interest in the matter, and place them in a position to listen to and decide as to the merits of any complaints that might be made.

Mr. MORE O'FERRALL. — I am not aware that any complaints have reached the Admiralty upon the subject to which the Honourable and Gallant Member has referred.

SIR THOMAS COCHRANE. — My authority is a statement, authenticated by the name of the writer, which has appeared in the *Asiatic Journal* and in the *United Service Gazette*.

SIR THOMAS TROUBRIDGE. — It is evident, I think, that it would be quite impossible for those connected with the Admiralty to reply to every grievance that might be put forth, of hard fare, in the shape of sour beer, bad eggs, and damaged anchovy, incurred by ladies in a sea voyage.

Motion agreed to.

The House went into Committee of Supply on

ORDNANCE ESTIMATES.

SIR H. VIVIAN. — Before I enter on the estimates, I must express how fully sensible I am of the handsome manner in which my Right Honourable and Gallant Friend opposite has been pleased to speak of me; and I must, also, in reference to the conduct of the Honourable and Gallant Gentleman who first brought the subject of the academy under the notice of the House, say, that he did not do so in the manner of an attack on me: on the contrary, he did it in the handsomest possible manner, and I thank him for it. My Right Honourable and Gallant Friend has flattered me by alluding to my character, and has given it as his opinion, that I should have stood upon that character in the present instance, and not have condescended to make any answer to the charge which has been the matter of discussion this evening. But I can assure my Right Honourable and Gallant Friend that he is not aware of the extent of mischief which has been done to the academy by the atrocious reports which have been sent abroad. Nor should I have been justified, after the manner in which the discipline of the academy had been adverted to, — after the statements read from a military newspaper distinctly charging me with corrupt practices, — in abstaining from giving the explanation I have given on all and every point touched upon in the speech of the Gallant Officer who first introduced the subject to the attention of the House. In proceeding to move the Ordnance Estimates for the year, it is not my intention, nor will it be necessary for me, to trespass upon the House at any length; but as the estimates of this year somewhat exceed those of last year, and as the Honourable Member for Kilkenny, when speaking on the Army Estimates, said, that he thought there was an *esprit du corps* on the part of the heads of the different military departments, to keep up the estimates as high as possible, I feel it my duty distinctly to assure the

House, and the Honourable Member, that the only principle upon which the present estimates have been framed is the principle of economy, consistently with the efficiency of the public service. The Honourable Member for Kilkenny has oftentimes expressed a wish that the Ordnance Estimates, at the present day, should be made to correspond with those of the year 1792; but when the Honourable Member recollects the enormous increase of our colonial possessions since that period, he will find, on a comparison, that the present estimates do not, in reality, exceed what they were in his favourite year of 1792. The first vote which will be proposed is for the Ordnance civil establishments, on which it will be found that there is an increase of only 23*l.* on the vote of last year. The second vote is for the Ordnance military corps, on which, in the department of the Royal Engineers and Sappers and Miners, there is a decrease on the estimates of last year to the amount of 722*l.* The third vote is for the Royal Artillery, the Horse Artillery, the master gunners, the field train, the medical department, and the Royal Military Academy; and on this estimate there is an increase to the amount of 1347*l.*, arising from an increase in the rate of pay given to the soldiers, and for the additional clothing for the troops in Canada. The fourth vote is that for the barrack establishment, on which there is an increase of 3326*l.* This increase arises from the appointment of additional barrack masters, in consequence of the erection of new barracks in Canada. The fifth vote is for Ordnance works and repairs, storekeepers' expenditure, building and repair of barracks, barrack masters' expenditure, pay of clerks of works, &c. On this vote there is an increase of 67,900*l.*: this increase arises from the additional number of barracks that have been built and provided in Canada and elsewhere, and from allowances that have been made to the barrack masters. The sixth vote is for military and civil contingencies, and for army extraordinaries. There is an increase in this vote of 36,354*l.*; but this apparent increase arises from that portion of the expenditure for the army extraordinaries connected with the Ordnance service in the colonies, being now transferred to the Ordnance Estimates. The next vote, the seventh, is for stores; on which there is an increase of 19,000*l.* This is chiefly made up by an additional sum of 5000*l.* for the supply of small arms, 5000*l.* for great coats, and an additional 4000*l.* for bedding. The next item is for the superannuated allowances; in which there is a decrease of 2873*l.*; and the last vote is for the commissariat; on which there is an increase of 25,328*l.* The result, then, of the estimates, is this: that the amount added to the various votes in which there is an increase is 152,556*l.*; and the amount diminished on certain other votes is 7041*l.*; making an actual increase of 145,515*l.* The whole sum to be expended is 1,971,042*l.* Now, the credits, by the sale of lands, of old stores, rents of canteens, &c., amount, this year, to 86,042*l.*; whereas, the amount voted for credits, last year, was 93,287*l.*, making a difference of 7245*l.* The sum, then, to be voted this year is 1,885,000*l.*; the amount voted last year was 1,732,240*l.*; making an increase of 152,760*l.* on the vote of this year, over that of the last. I am not aware that it is necessary for me to trouble the House with any further remarks on these estimates; and I shall therefore now conclude by proposing the first vote, "That the sum of 116,874*l.* be granted to Her Majesty, to defray the charges for the Ordnance civil establishments, from the 1st of April, 1840, to the 31st of March, 1841."

Question put.

SIR HENRY HARDINGE. — I wish to ask my Right Honourable and Gallant Friend whether there is any ground for the report that the barracks in the West Indies, under the Ordnance Department, have been accidentally—for I will not say intentionally — neglected, in respect to supplying the troops, in those islands, with proper accommodation? From what I have heard in this House,—motions for the production of papers on this subject having been already made, and others being now on the Votes,—it would appear that, in the opinion of persons very competent to form an opinion, there has been, on the part of the Ordnance Department, a very considerable neglect in this matter. I have called for papers myself, and another Honourable Member — the Noble Lord the Member for Northumberland — has called for others; and I hope, as they have not yet been produced, my Right Honourable Friend the Master of the Ordnance will state whether any neglect, which would seem to be imputed by the calling for these papers, is to be attributed to the department over which he presides, and whether, in his opinion, the transfer of this duty to the War Office would lead to the result of the barrack department being conducted in a better and more satisfactory manner.

SIR HUSSEY VIVIAN.—I regret that the papers alluded to by my Right Honourable and Gallant Friend have not yet been laid on the table of the House. I had hoped that the papers would have been produced before this, and that the Noble Lord the Member for Northumberland and my Right Honourable and Gallant Friend would have had an opportunity of fully entering into the subject. I am not aware of, neither will I admit, in any way, that there is the slightest want of attention on the part of the Ordnance towards the barrack department, either in the colonies or at home. It is a question upon which I shall be very glad to meet the Noble Lord the Member for Northumberland, who, I know, entertains a strong opinion on the subject, whenever he may be inclined to bring it forward. My Right Honourable Friend knows full well what are the regulations with respect to the colonial barracks. There is, in every colony, an officer of the Royal Engineers, acting under the Ordnance Department. If anything be required to be done, the commanding officer signifies his wants to the engineer officer, whose duty it is to make a special Report, every year, of the state of the barracks. Whenever those Reports are brought before the Ordnance Department, they are immediately attended to, and the slightest neglect is never allowed.

SIR HENRY HARDINGE.—I am glad to hear this denial on the part of my Right Honourable Friend; and I hope, when the papers I have referred to shall have been laid upon the table of the House, that this subject will again be brought under its notice.

Mr. HUME.—I cannot but regret the indifference that has been shown by this House, and by the country, with respect to the extent of these grants. Here is a sum of 1,885,000*l.* to be granted in one night, and not a single word is raised against it; but when the time shall come that fresh taxes will have to be imposed, in order to enable the Government to pay this large sum, then will be the day of grumbling and complaint. I deny that I am the only person who wishes to see the public establishments reduced to the standard of 1792. Committee after Committee have recommended reductions to that standard. The number of men voted for the service of the Ordnance in 1792 was 4000, whereas the present vote is for 8800 men. But of this I am convinced, that until the Ordnance Department be altogether remodelled, there is no hope of seeing the expenses of that establishment less than they are. I, however, will never allow these estimates to pass without expressing my opinion, that the officers of the engineers and of the artillery are very ill used, by being kept in a detached and separate manner, under the control of the Master General of the Ordnance. The British army is the only one in Europe in which the artillery are not in connection with the commander of the forces. In England, the commander of the forces knows nothing of the artillery or of the engineers. The effect of this system is to deprive the British army of the services of men who are in every respect better qualified for appointments in the general service than any other class of officers. In the French, the Austrian, and the Prussian armies, the artillery officers are constantly appointed to high stations, particularly to staff appointments; thus offering a complete contrast to the case of the same class of men in the British service. In my opinion, the same practice ought to be pursued in this country; and these classes of officers ought not to be kept at such a distance from the Commander-in-chief, and deprived of these advantages to which they are fully entitled. My principal objection to these estimates are the expenses of the barrack department, and of the management and care of the stores. The cost of managing the stores amounts to no less than 38 per cent. on the whole amount of the estimates; and though I admit that the barrack department is now much better managed than formerly, still I am of opinion that 520,000*l.* is an enormous sum for that department. I should, however, be very sorry to see the barracks taken from that department under which they are now, and again transferred to the War Office. When I look at the great expense incurred for barracks abroad, I feel myself called upon to repeat my regret that the colonies, with the exception of Gibraltar, should not be expected to defray the greater portion of these expenses. There is no doubt they would be willing to do this, provided this country would but consent to reduce the force kept in the colonies to such an amount as the colonies required themselves. I have, Sir, merely made these few observations, denying altogether the impression which the Right Honourable and Gallant Officer has made as to this department of the Ordnance being now conducted with as much economy as in the year 1792.

SIR H. HARDINGE.—I think that the Honourable Member has misunderstood my question to my Right Honourable Friend. He has mentioned that the barracks ought to be conducted by the Ordnance Department, and not be under that of the War Office. Now, my question was, with reference to the Report of the Commissioners recommending the taking away from the Ordnance Department that branch of its administration, and transferring it to the War Office. When I recollect what was the state of the barracks when under the War Office, I cannot help stating that, in my opinion, the Ordnance Department is the best office to take charge of them; and that, should they be transferred to the War Office, a great detriment to the public service will be the result. I shall view with jealousy any attempt which may be made by the Noble Lord the Member for Northumberland to transfer the barracks back to the War Office; and whenever that Noble Lord shall bring forward his motion, I shall be prepared to pay the highest tribute to, and to give my vote in support of, the manner in which that department was established by the Duke of Wellington in the years 1822 and 1823, as it is, unquestionably, the best mode of managing that important part of the public establishments.

SIR DE LACY EVANS. — I cannot agree with my Honourable Friend the Member for Kilkenny in his preference of the efficient state of the armies of the Continent as compared with that of Great Britain. I believe that it is within the experience of all military men that, at all events, the artillery department of the army of this country rather transcends than otherwise, in point of efficiency, that of any other country. This is not a matter of argument; it is known and acknowledged throughout the whole of Europe. With regard to the engineering department, it certainly ranks very high in the British service; but I do not approve of either the artillery or the engineering department being transferred from the control of the Board of Ordnance to that of the Commander-in-chief. I think that such a change would be a most hazardous experiment. At the same time I must say, that greater opportunities ought to be afforded for the development of the services and talents of the officers of those two distinguished branches of the British army. When the officers of these corps rise to the rank of colonels, their efficient services cease; and should my Honourable Friend the Member for Kilkenny think proper, at any future period, to propose means of relieving those officers from this disadvantage, I shall certainly be disposed to give him my support.

Mr. HUME. — I never intended to say anything to the disparagement of these corps; and all I wish to convey is, that the engineers and artillery, abroad, are placed on the same footing as the rest of the army, while ours are kept separate. Many members of these forces have certainly been employed, of late, in the civil service; and I am sorry that it does not occur more often. I think, too, that it is a bad practice, in the British army, for general officers to employ the youngest men they can select to be their aides-de camp, instead of choosing them from amongst more experienced officers.

Mr. W. ATTWOOD. — As the discussion on the more prominent points of these estimates appears now to have closed, I wish to call the attention of the House to an item in the first vote, which, although it may not seem of great general importance, is one of much moment to the parties interested, and, in its consequences, not immaterial to the public service; — I allude to the disparity which is manifest, on looking at the estimates, between the sums charged for salaries for the gentlemen employed in the establishments in the Tower and Pall Mall, and those paid to parties similarly occupied at Woolwich. The senior clerks at the former stations have 900*l.* per annum; the second class, 300*l.* to 600*l.*; and the junior class, 90*l.* to 300*l.*; — while, at Woolwich, all the clerks employed, senior and junior, are on the scale of from 90*l.* to 300*l.* I wish to ask the reason of this disparity? I understand the duties at Woolwich to be as arduous and responsible, and the characters of the persons employed, and their abilities, as good. It is necessary that they should understand, not merely the ordinary routine of their office business, but should be thoroughly acquainted with the nature and various applications of the stores under their charge. It would seem, therefore, that if their salaries are sufficient, those paid in London are too high; or that, if the salaries in London are no more than adequate, those of the Woolwich establishment ought to be raised. I wish to ask the reason of this disparity?

SIR H. VIVIAN. — The difference in the amount of salaries to which the Honourable Gentleman has referred existed for many years previous to my accession to the duties of the Master

General of the Ordnance; and arises, I apprehend, from the superior duties which the one class has to perform, in comparison with the other, and the greater responsibility which attaches to their situations. Taking these circumstances into consideration, I cannot but consider that the difference in their salaries is fully justified. With respect to what has fallen from the Honourable Member for Kilkenny, he must recollect that we have fifteen more colonies now than we had in the year 1792; and that we have consequently an additional number of artillery, guns, stores, and other things to send out to them for their protection. With regard to the transfer of the Ordnance military corps, and the civil branch of the department, from the authority under which they are at present placed, to the Horse Guards and the War Office, that is a subject which, in the absence of the Noble Lord the Member for Northumberland, I will not discuss. I shall, however, whenever called upon by the Noble Lord, — as I hope he will call on me when the papers already referred to are before the House, — be able to show to the House that such a proposition would, if acceded to, tend to destroy altogether one of the most efficient departments of the service, and lead to an enormous expense.

Mr. W. ATTWOOD. — I can only say that much dissatisfaction has been occasioned by the disparity which I have pointed out; and I was desirous to know whether the attention of the Master General had been called to the subject. Although the Right Honourable and Gallant Officer says that the comparative nature of the duties to be performed justifies the inequality, I cannot but think it desirable that the subject should receive consideration, and that some more satisfactory arrangement should be made.

SIR H. HARDINGE. — I have had some little experience in the Ordnance Department, and I can bear my testimony to the eminent deserts of the clerks who are employed in the Tower and Pall Mall branches of that department. The officers of those branches of the Ordnance Department are political officers, like those of the Admiralty, and are changed with the change of Government. The consequence is, that, although those gentlemen bring with them a great deal of military knowledge, yet, on the other hand, they are very much indebted for departmental information to the senior clerks; whereas, at Woolwich, meritorious as the individuals performing the duties there undoubtedly are, they are never brought into intercourse, upon important matters, with the members of the board; and therefore their services are necessarily less rewarded. I am enabled, from experience, to declare that I have never found any set of clerks more competent than the senior clerks of the Ordnance Department; and I am persuaded that the clerks of that department are underpaid, rather than overpaid, as compared with those of other departments.

SIR H. VIVIAN. — I can truly say, that, so far as my experience goes, which extends now nearly over five years, the clerks to whom my Gallant Friend has alluded are amply deserving the commendations which he has given them.

Motion agreed to.

Motion made, and question put, "That a sum, not exceeding 106,930*l.*, be granted to Her Majesty, to defray the charges of the Royal Engineers, Sappers, and Miners, from the 1st of April, 1840, to 31st March, 1841."

Agreed to.

Motion made, and question put, "That a sum, not exceeding 354,073*l.*, be granted to Her Majesty, to defray the charges of the Royal Artillery, Horse Artillery, master gunners, field train, medical department, and Royal Military Academy, from the 1st of April, 1840, to the 31st of March, 1841."

Agreed to.

Motion made, and question put, "That a sum, not exceeding 37,714*l.*, be granted to her Majesty, to defray the charges of barrack masters at home and abroad, from the 1st of April, 1840, to the 31st of March, 1841."

Mr. HUME. — I have to complain of the great number of barrack masters and barracks in our colonies; and I cannot but press upon the Government the necessity of these expenses falling on the colonial funds, rather than on those of the mother country. Our colonies, however, have never been allowed, by the policy of this country, to manage their own affairs, and have been so little consulted in what relates to their benefit, that the result is, that these expenses cannot be imposed upon them, and are, of necessity, defrayed by this country.

Question put, and agreed to.

Motion made, and question put, "That a sum, not exceeding 437,711*l.*, be granted to Her Majesty, to defray the charges of the Ordnance works and repairs, storekeepers' and barrack masters' expendiure, pay of clerks of works, &c., from the 1st of April, 1840, to the 31st of March, 1841.

Mr. HUME. — This portion of the esimate shows, more than any other, in what a shameful manner the public money s thrown away. Under the head of works and repairs in Bermuda, I find the sum of 486*l.*, together with various other expenses, as well as other heavy charges for similar things in Nova Scotia, New South Wales, and other places. No doubt, too, if the state of the Treasury would have admitted of it, the Government would have expended still more than they have done under these items. As it is, however, I must reiterate my complaint, that great sums of money are yearly thrown away in these particulars.

SIR H. VIVIAN. — It appears to me that so long as this country has colonies, they must be defended; and no one knows better than the Honourable Member himself the necessity for extending our protection to the commerce we carry on with our colonial possessions: and he must recollect that, although directly, the navy and army may not contribute so much as the Honourable Member might wish, to their own support, — that, indirectly, through the means of the commerce of the country, and the import duties, — exceeding 23,000,000*l.* last year, — they do most materially contribute; — in short, they are not that dead weight on the country the Honourable Member would represent them to be.

Mr. HUME. — The fact is, that the colonies have the greater portion of the profit, and we have all the expense. It is a curious fact, too, that our military expenses are greatest in those colonies with which we carry on the least trade.

SIR G. DE LACY EVANS. — I cannot but consider the abandonment of our colonies — for withholding our protection from them would amount to that — a question rather of civil policy, than one for the consideration of the Master General of the Ordnance.

Mr. HUME. — I am far from wishing to abandon any colony; but I may be allowed to say that our colonial expenses have trebled since the war; and we have now a regiment in each, for every company which we formerly had.

SIR G. DE LACY EVANS. — I agree with my Honourable Friend that the colonies ought to pay a larger proportion of these expenses than they now do; but this is not, I think, a subject to be discussed on the Ordnance Estimates.

Mr. HUME. — As I see that a sum for works and repairs at the Tower is included in this estimate, I would ask the Chancellor of the Exchequer whether he is disposed to give the sixpences received for viewing the armoury at the Tower, for the purpose of erecting a proper building in which to deposit the *regalia*, in order that they may not remain any longer in the dirty hole in which they are kept at present, to the great disgrace of the country?

The CHANCELLOR of the EXCHEQUER. — I must say that I am much surprised that the Honourable Gentleman can entertain such an unconstitutional notion; as he ought to be aware that the Treasury could not make such an appropriation of those fees without the sanction of Parliament. If such sanction were granted, and an inquiry entered into upon the subject, I should not, perhaps, say, that such an arrangement might not be desirable.

Mr. HUME. — I am of opinion that the consent of the House to such an appropriation might be obtained without difficulty. There are regulations made in various parts of the country for opening museums of natural curiosities. I do not mean to call the *regalia* natural curiosities; but there are arrangements made, in various large towns in the country, for gratifying the curiosity of the public; and the plans on which they are made are invariably found to be profitable. The Government will pocket 1000*l.* by these sixpences received during the last two years; and the public have a right to expect, and do expect, that something of the description I have suggested should be done with the money.

COLONEL ANSON. — If this suggestion were acted upon, its effect would be, to increase the Ordnance Estimates for the next year by 1000*l.*

Mr. HUME. — I see, also, the sum of 559*l.* in the estimate of fees on officers' commissions. I wish to ask if such fees could not be abolished?

SIR H. HARDINGE.—I agree with the Honourable Member for Kilkenny that they ought to be abolished; and perhaps the Report of the Naval and Military Commission now sitting may make the same recommendation on the point.

Motion agreed to.

Motion made, and question put, "That a sum, not exceeding 180,415l., be granted to Her Majesty, to defray the charges of military and civil contingencies, Ordnance surveys, &c., from 1st April, 1840, to 31st March, 1841."

SIR H. VERNEY.—I wish to ask the Right Honourable and Gallant Gentleman when the maps connected with the Ordnance survey are likely to be completed?

SIR H. VIVIAN.—In reply to the question of the Honourable Baronet, I have to state, that the maps of England and Ireland have been delayed, in consequence of the number of surveyors who have left our service to find employment on the different railways, where they are much better paid. I hope, however, that the Irish survey will be completed in three or four years, and the English in five or six; but much must depend on circumstances, beyond the control of the department, both in England and in Ireland. With respect to Scotland, there is a question yet to be determined, whether the scale is to be six inches to the mile, or what the scale is to be.

SIR H. VERNEY.—I cannot understand why the English scale is only one inch to the mile, whilst the Irish is eight inches, and the Scotch is to be six inches.

SIR J. Y. BULLER.—As this vote, Sir, includes the civil charges, I wish, as connected with the county of Devon, to make an inquiry relating to the dismissal of Mr. Foote, the local solicitor to the Ordnance at Devonport, who for fifty-five years has discharged his duty to the entire satisfaction of the Ordnance Boards. The general impression is, that he has been dismissed in consequence of his having been canvassed at the recent election by the clerk to the Board of Ordnance; and having told him that he could not agree either with him or the Liberal candidate for the town of Devonport, he was dismissed after the election, and no reason has been given for his dismissal, nor have his inquiries upon the subject met with any answer.

SIR H. VIVIAN.—I can only say that, with respect to Mr. Foote's dismissal, the Honourable Baronet knows as much about it as I do. It is not an Ordnance appointment; and the first I heard of the case was the other day, from Mr. Dawson, at the levee, who expressed to me his hopes that Mr. Foote would not be dismissed in consequence of the manner in which he had given his vote. Shortly before the election at Devonport, Mr. Smith, the late London solicitor to the Board of Ordnance, died, and the appointment was given to a Mr. Hignett, with whom, and not with the Ordnance, lies the appointment of the country agents; and it is to be presumed that, in making a selection of those agents, the newly-appointed solicitor would naturally choose them from his own friends. Mr. Foote has written to me a statement somewhat similar to that just made by the Honourable Baronet; and the answer I returned was, that I had heard of the matter before, from Mr. Dawson; but that the Board of Ordnance had nothing to do with the appointment. It is true, I understand, that Mr. Foote has interfered in the election at Devonport; but whether that was, or was not, the cause of his removal, I cannot undertake to say.

SIR H. HARDINGE.—I do not at all like this transaction; and cannot see why a new solicitor to the Ordnance is to discharge another because he happens to be of a different opinion from himself. If there should be any change of Government presently, what would take place? Why, that if this is to be the rule on which this new solicitor is to act, with respect to the political opinions of others, the next Government might dismiss him on the same grounds; and by such occurrences the public service would be put to great inconvenience. This never used to be the system acted upon by the Ordnance Department heretofore; and I very well recollect that, when I was, some years ago, attached to that office, there was a clerk there—a man of very good conduct and character in his situation—who seldom asked for leave of absence except at the time when the election was about to take place at Rochester, where, being himself a Whig, he always voted for the Whig candidate, and no notice was ever taken of the circumstance. I do not think, then, that it ought to be tolerated, that this gentleman, who is newly appointed to the office of solicitor to the

Ordnance, should dismiss others from their appointments, on the ground of a difference of political opinion; and I should have hoped that my Right Honourable and Gallant Friend, knowing Mr. Foote, and his respectability and long services, would have taken the circumstance of so abrupt a dismissal into consideration.

SIR H. VIVIAN. — I never so much as hinted that Mr. Foote had been removed for electioneering reasons. I said, decidedly, that, until some months after Mr. Hignett had ceased to employ him, I was ignorant of the fact, and I never inquired into the reason why Mr. Hignett had employed another person. My Right Honourable and Gallant Friend has alluded to a clerk in the Ordnance, who, though voting against the Government candidate, was not interfered with; and I can also tell my Right Honourable and Gallant Friend of a case of a clerk in the Ordnance Department, at Devonport, who, when I was a candidate for that borough, voted against me, and no notice was taken of it by me, or any one by my desire.

SIR E. KNATCHBULL. — I agree with my Right Honourable and Gallant Friend the Member for Launceston that it was in the power of the Right Honourable and Gallant Gentleman opposite, when applied to by Mr. Foote, to see whether the cause alleged for that gentleman's dismissal was the right one, or not. Mr. Foote has served in the same situation for upwards of fifty years, and is a man of high character and respectability; and when Mr. Smith, the late solicitor to the Ordnance, was appointed, he did not find it necessary to act as the present solicitor has done, and to remove him from his agency. The Right Honourable and Gallant Gentleman has not been able to avoid saying that this gentleman has interfered in the election against the Government candidate; and I cannot but think that it would have been more becoming in the Right Honourable Gentleman if he had looked into the case, and ascertained the true cause of his dismissal.

SIR H. VIVIAN. — Sir, the appointment does not rest with the Board of Ordnance, but with Mr. Hignett, who can employ whatever person he likes; and if I had requested him to appoint any particular individual, he would have justly said, "I have the business of the Ordnance to do, and must discharge my duty in the best manner I can. How am I to be responsible, if I do not name my own agents?" I believe there is nowhere a more respectable gentleman than Mr. Foote. I never knew, until after the change had taken place, that he had been removed. But removal it can scarcely be called; for, in point of fact, there was no official appointment. It was merely a private arrangement; and I say, again, I had no right whatever to interfere with Mr. Hignett.

COLONEL ANSON. — I can assure the Committee that, until the circumstance was alluded to in the newspapers, I was not at all aware that Mr. Foote had been superseded. What Mr. Hignett's reasons may be, it is impossible for me to say; but I do not believe he has been actuated by political motives. Probably he has chosen a confidential agent to fill the situation. I cannot see any ground for the charge that Mr. Foote has been dismissed for voting in a particular manner. I can assure my Right Honourable Friend that I should be exceedingly sorry to find such a principle acted upon; and I can confidently assert that not one member of the Board of Ordnance would sanction such a course of proceeding.

Mr. HUME. — I consider the question before the House to be one of very great importance; and I am exceedingly glad that it has been brought forward. In my opinion, no person ought to be punished for an expression of political opinions; and I cannot think it proper that any one holding an official appointment under Government should be dismissed from office for voting at an election according to his own views and sentiments. If such a pernicious principle should be generally acted upon, the consequences would be most serious to individuals, and to the public service. I hope that we shall never follow the example of the United States, where a clean sweep is made whenever a change takes place in the Government. It is the duty of the House to guard against such a proceeding in this country; and I will offer a very simple remedy. If the House will adopt the system of vote by ballot, no person will be dismissed for political opinions; as the votes of individuals cannot then be ascertained. When the question of vote by ballot next comes before the House, I shall certainly claim the votes of those Honourable Gentlemen opposite who complain of the dismissal of Mr. Foote.

SIR T. D. ACLAND. — Sir, the Honourable Member for Kilkenny will certainly not have my vote in favour of the Ballot. I sincerely rejoice that the Board of Ordnance has had nothing to do with this transaction; and I, at once, acquit the Right Honourable Gentleman the Master General of the Ordnance of having taken any part in the dismissal of Mr. Foote. I do not consider the Ballot the proper remedy for evils of this nature. I think the best protection for official persons expressing their political opinions is the public and general reprobation which Mr. Foote's dismissal has received. That gentleman is upwards of seventy years of age; he is a person of the highest respectability; and has, for the long period of fifty-five years, been honourably employed in the public service. Why, then, has he been dismissed? As some doubt seems to exist on the subject, I will read to the Committee Mr. Foote's own statement. That gentleman says, —

> Most true it is, that I have had the honour of acting as law agent to the Board of Ordnance and their town solicitor at this place for the fifty-five years last past.

It does not appear that Mr. Foote considered himself merely the agent to the town solicitor; but it is quite clear that he considered himself as acting on the part of the board. Now, it is difficult to conceive how a subordinate officer should have his authority so complete as to dismiss an old and faithful servant, without being, in some measure, accountable to the head of the department. I am certain that the Right Honourable Gentleman the Master of the Ordnance has had nothing to do with this transaction; but I have a right to call on him to make further inquiry; and I should be glad to have the date of the new solicitor's appointment, and to be informed whether any business has been done by Mr. Foote since that appointment, and how it happened that, immediately after he was canvassed, he was removed from the office he had filled for more than half a century, without the common courtesy of an intimation to that effect, and his situation placed in the hands of a comparative stranger. Let the Committee attend to Mr. Foote's statement, in order to ascertain if there were any just ground for his dismissal. He says, —

> During that very long period, I have, under the direction of the latter, conducted a great variety of law business, and, I hope I may be excused for saying so, so satisfactorily, that the board never, on any the most important occasion, deemed it necessary to send down their solicitor to direct or assist me.

He further states, —

> After this statement, it may seem almost needless to add, as the fact is, that I never received the slightest indication or expression of the board's or their solicitor's disapprobation for any one act done by me, or in my office; and that there was never any objection made to any one item in my professional bills of costs when presented for payment, although, by the rules of the board, they were always very strictly examined.

What, then, was the cause of Mr. Foote's dismissal? Mr. Foote says, —

> Thus circumstanced as I have been with the board and their solicitor for more than half a century, it remains only for me, most reluctantly, to confirm the current reports, and to state that, in consequence of myself and son having given our votes at the last election for Devonport in favour of Mr. Dawson, and against the Government candidate, Mr. Tufnell, the law business of the Ordnance and barrack department has been withdrawn from us, and bestowed on another, without the slightest intimation to us on the subject.

Now, this is the statement of a gentleman whose character is quite unimpeachable. During the fifty-five years, he had never been canvassed on the part of his employers, or disturbed in the exercise of his political opinions. He was a constituent of mine twenty years ago, and I had good reason to be thankful for his services.

[Cries of " Hear, hear!" from the Ministerial benches.]

That cheer will hardly be considered a cheer of triumph against one who recollects those services with some feeling of gratitude, although his peculiar mildness and moderation scarcely made him a very efficient electioneering partisan. I think it therefore peculiarly hard that he should have been treated in this manner. Although I distinctly acquit the Master General of the Ordnance of having taken any part in the dismissal of Mr. Foote, I think the Right Honourable Gentleman is bound in duty to himself to ascertain whether political motives have induced the solicitor to the Board of Ordnance to transfer the legal business of the department from that gentleman to another agent.

SIR H. VIVIAN. — Sir, I wish to say one word in explanation. I think the Honourable Baronet is mistaken in supposing that Mr. Foote was canvassed. Captain Dundas, the clerk to the Ordnance Department, has assured me that he was not canvassed nor pressed to vote; and another gentleman, an officer of engineers of high distinction (Sir George Hoste), was present, who can confirm that statement. I can only again repeat that Mr. Foote was not appointed by the board; and I question very much whether, during the whole period of fifty-five years, he had any direct communication whatever with the board.

VISCOUNT PALMERSTON. — I think that the discussion of this evening will give great satisfaction to the public. It will certainly afford extreme gratification to large classes of the community to hear the warm and indignant terms in which Honourable Gentlemen opposite have expressed themselves at the supposed interference of a person appointed by the Board of Ordnance with the individual whom he might think proper to employ as his agent, in consequence of a vote which that individual had given at an election. It has been fully established by the Master General of the Ordnance, that the Board of Ordnance knew nothing of Mr. Foote's appointment or dismissal; that he was appointed by the solicitor of the board, who selected his agents on his own responsibility, and without consulting the Board of Ordnance. The appointment of Mr. Foote's successor was, therefore, in the strictest sense of the word, the selection of one private individual by another. The solicitor is responsible to the board for the transaction of its legal business, and the board has nothing to do with the agents whom the solicitor may appoint. This discussion will not be without effect. I have been much consoled by the warmth of the expressions of Honourable Gentlemen opposite. I am sure that, when the reports of this night's proceedings go forth to the public, we shall no longer hear of any improper interference with the exercise of the political franchise. We shall no longer hear of tenants being dismissed from their farms by their landlords, in consequence of their having voted in a particular manner, — we shall no longer hear of persons ejected from their houses, in towns, for the conscientious exercise of their political rights; and tradesmen may now sleep soundly, free from all apprehension of losing the custom of the rich, should they act on their own views in the election of Members of this House. I am sure that all the tenantry of the country, all the householders in town, and all the tradesmen, will read with attention the remarks which have this night fallen from Honourable Gentlemen opposite. Although I differ from the Honourable Member for Kilkenny on the subject of the Ballot, yet, being very desirous that means should be adopted for securing freedom of election, I feel great satisfaction at what has passed in the course of the present debate.

SIR T. FREMANTLE. — The Noble Lord opposite has acted, perhaps, wisely for himself and the Government in endeavouring to distract the attention of Honourable Members from the real question before the House. There is a great difference between the ejectment of tenants and the removal of persons employed in the public business from situations which they have long held, and with the duties of which they are fully conversant. There is no analogy between the two cases. If the Noble Lord had been present from the commencement of the debate, and if he had known that Mr. Foote had been fifty-five years the agent, at Devonport, for the solicitor of the Board of Ordnance, he would not have attempted to make the House believe that this was a private appointment, of which the Board of Ordnance knew nothing, liable to be changed as often as any solicitor may be removed from his office. For my part, I think the House ought not to rest satisfied with the explanation which has been given of this transaction; and I must say that, in my opinion, some further inquiry ought to take place. The Master General of the Ordnance has come down to the House prepared to combat several statements which he considered likely to be injurious to his character; and although not attacked in these, he has entered into a very elaborate defence on various topics of which I never heard before. But why is he not prepared to meet this charge, which has been so much canvassed and so generally condemned? The Master General of the Ordnance says that he cannot say why Mr. Foote has been dismissed; but I must tell him that he has neglected his duty to this highly respectable gentleman, in allowing him to be dismissed without making any inquiries into the cause of his dismissal. Mr. Foote states that he has lost the business of the Ordnance in consequence of the vote which he has given; and I think the House has a right to ascertain whether, and how far, this system is to be extended. Mr. Foote, who has been a faithful servant of the public, is entitled to know the grounds upon which he has been discharged. If his dismissal has arisen from political motives, let it be openly stated, in order that no suspicion of misconduct may attach to Mr. Foote's character. It has been stated by my Honourable Friend the Member for South Devonshire, that a clerk of the Ordnance canvassed Mr. Foote previously to the election, and solicited his vote in favour of the Government candidate. This is an important circumstance, because the defence of the Honourable Member for South Staffordshire is, that the Board of Ordnance knew nothing about Mr. Foote's appointment, he being the mere agent of the solicitor; and yet he is here brought into connection with a clerk of the Ordnance before the election takes place. I hope that, on bringing up the Report of the Committee, the Honourable Gentleman opposite will be able to state fully the history of this transaction, for no one can deny that an explanation is absolutely necessary.

COLONEL ANSON. — Although so many broad assertions have been made, on the other side of the House, that Mr. Foote has been dismissed on political grounds, I believe not one of the assertions has any foundation in truth. But, as the matter has been so urgently pressed, I have no objection to say that I will make further inquiry. I believe the appointment of Mr. Hignett took place under these circumstances. Mr. Smith performed the duties of solicitor to the Board of Ordnance for many years, and, during his illness, the business devolved on Mr. Hignett. There were several candidates, but my Right Honourable Friend preferred that gentleman, on account of his being cognisant of the duties of the office; and I gave him a strong recommendation, without any reference to political opinions.

SIR J. Y. BULLER. — The Honourable Gentleman opposite has accused Honourable Members on this side of the House of having made broad assertions. Now, I have made no assertion without endeavouring previously to convince myself of its truth. I wrote to a friend at Devonport, desiring him to inquire into the circumstances of the case, in order to ascertain whether the statements in the newspapers and the letter of Mr. Foote were correct. The answer I received was, that Captain Dundas was Mr. Tufnell's right hand assistant, and that he busied himself in inquiring into Mr. Foote's emoluments, and afterwards actually canvassed Mr. Foote himself for the Government candidate. This is the information on which I ground my assertion; and I think the matter certainly requires further consideration. I understand that the individual appointed by Mr. Hignett is a conveyancer, and that he was obliged to call in the assistance of a solicitor; so that, in all probability, the country will have to pay two persons instead of one.

COLONEL ANSON. — Sir, the fact is, we shall have to pay neither. Mr. Hignett is directed to do the whole of the law business of the Ordnance Department; and if he appoint agents, their bills are sent in to him, who alone is responsible for the proper discharge of the duties of the office. I admit that the agents are paid, in an indirect manner, by the board.

SIR T. D. ACLAND. — With respect to the remark of the Honourable Member for South Staffordshire, I beg to state that I made no broad assertion whatever: the statement which I made was founded on the letter of Mr. Foote.

COLONEL SIBTHORP. — Without entering into the merits or demerits of this transaction, I wish to remind the Noble Lord who has charged this side of the House with the ejectment of tenants, that several Honourable Members have been compelled to resign their situations, in consequence of voting against Government. The Noble Lord ought to look at home, before making charges of this kind against other parties.

SIR HUSSEY VIVIAN. — The Honourable Baronet opposite (the Member for Buckingham) inquires why I was not prepared to give an explanation of the transaction which has been brought under the notice of the House, when I was ready to go into the attacks made in the newspapers? Now, I was quite aware of the nature of these attacks, — they had been even read to the House by the Gallant Officer who introduced the subject of the academy, and who had given notice on the subject; and I was therefore not only prepared, but called on, to answer them: but, on the present question, it was impossible for me to be prepared, because I had nothing whatever to do with the matter, nor had I the least intimation that it would have been brought forward. Had the Honourable Member been in the House in the early part of this discussion, he would not have fallen into the mistake he has, and charged me with having entered into an elaborate defence on topics on which I was not attacked.

SIR H. HARDINGE. — Sir, it is most important that the solicitors engaged for the Ordnance Department should be retained in the public service, the duties not appertaining to the ordinary business of a solicitor; and in no instance that I am aware of has a dismissal taken place, excepting for professional incapacity. Now, this gentleman has served for fifty-six years in the Ordnance Department, and therefore some urgent reason should have been given for his dismissal; and I am surprised that the Right Honourable Gentleman has not required any explanation. Perhaps I may be allowed to ask, whether Mr. Hignett has dismissed any other solicitor, at any other outport,—Dublin, for instance?

Mr. TUFNELL.—Perhaps I may be permitted to offer a few observations upon this subject, in which I am, in some degree, interested. Allusions have been made to the conduct of Captain Dundas; and it has been said that he was my right hand man at the election. Now, I beg to deny that such was the case; for, in reality, Captain Dundas was in Devonport only two or three days during the canvass, which lasted about two months, and on that occasion he was down on Ordnance business. With regard to Mr. Foote, there can be no doubt that he was canvassed; for I believe that I waited on him, as on the other electors. I do not mean to say anything disrespectful of that gentleman; on the contrary, I believe that he is fully entitled to the very high character which he has received from Honourable Gentlemen opposite. I sincerely rejoice that this discussion has taken place, because it has afforded me the opportunity of contradicting many of the assertions which have been made with respect to the extent of the Government influence at Devonport. On examination of the votes given at the last election, I find that the number of public officers who voted for me was 170, whilst not less than 150 voted in favour of my opponent. This circumstance, I think, proves that no undue influence was exercised by the Government. In fact, the majority which I obtained was clearly that of the voters of the borough, and not of Government officers; and I have not heard a single complaint of Government interference.

SIR E. KNATCHBULL.—When the Honourable Member for Devonport rose, I thought it possible that he might be able to give some explanation of this transaction; but he is unable to do so, and I am bound to believe that he considers no Government influence was exercised at the late election. But I am inclined to think, from the energetic speech of the Noble Viscount, that there is more in the matter than we at first imagined. It is not often that the Noble Viscount indulges in such a glowing strain of eloquence; and he certainly would not have done so, on the present occasion, had he not considered there was something rotten in the case. I am glad that the Honourable Member for South Staffordshire has consented to inquire into the transaction; and I trust that the inquiry will be a searching one. Perhaps the Right Honourable Gentleman will allow me to ask how it happened that Mr. Hignett changed his agent at the particular period mentioned?

SIR H. VIVIAN.—The Honourable Baronet opposite has inquired whether Mr. Hignett has dismissed any other agents?—my answer is, that I know nothing of what he has done. I have nothing whatever to do with any question between him and his agents. He is at liberty, and has the right, to appoint whatever agents he likes, and to make any changes he thinks proper.

Mr. SHAW.—As the matter is to be inquired into, perhaps it would be as well to ascertain whether any other individuals have been dismissed; and whether it is the practice, when solicitors are appointed, to remove the country solicitors at the same time.

SIR DE LACY EVANS.—It has been repeatedly declared that Mr. Foote was not an officer of the Ordnance Department; and I cannot, therefore, understand what the board have to do with the transaction. The death of the old solicitor of the Ordnance took place at a time co-eval with the election, and the new solicitor thought fit to change his agent at that time. That appears to me to be sufficient explanation.

SIR J. Y. BULLER.—I understand the Honourable Member for Devonport to say that he had heard of no other complaint. Now, I have heard of the dismissal of Mr. Colman, the printer to the Ordnance, who voted for Mr. Dawson; and I have also been informed of the removal of a person named Underdown, from the powder hoy, on which he was employed, to Woolwich. The expense of removal will, of course, have to be borne by himself; and he will, besides, be separated from his wife and family, who are obliged to remain at Devonport. Thus, it appears, that three persons have suffered for the votes which they have given.

SIR H. VIVIAN. — The case is exactly this. A man in the employment of the Ordnance was sent to the hospital and replaced by Underdown. The individual died in the hospital, and Underdown now holds his situation. Politics have had nothing whatever to do with this arrangemant. I never before heard of the other case mentioned by the Honourable Baronet.

COLONEL SALWEY. — It appears to me that no càse has been made out against the Ordnance Department. I think the Honourable Baronet opposite (Sir J. Y. Buller) has taken a lesson of the Noble Lord the Member for North Lancashire, in endeavouring "to obstruct the Government, inch by inch, and foot by foot."

LORD WORSLEY. — Perhaps Mr. Foote may attribute his dismissal to the vote given by him at the election. But the Right Honourable Gentleman distinctly states that the Board of Ordnance has no power to dismiss him; and that the only person who could do so is Mr. Hignett. He, therefore, is alone responsible.

SIR H. VERNEY. — I put it to the Honourable Gentlemen opposite whether, when they were in office, 150 of the *employés* of the Government would have been allowed to record their votes in direct opposition to their employers, as was done at the late election? That kind of liberty, in former times, would have been quite unpardonable. In the present case, it was quite natural for the new solicitor to engage a person less than seventy-eight years of age; and I am sorry that the Honourable Gentleman has consented to any further inquiry, because I think none is requisite. I must say that I have heard, with great regret, the distinction drawn by my Honourable Colleague between the dismissal of a tenant and the dismissal of a person holding a public situation. I think that neither tenant, tradesman, nor public officer ought to be interfered with in the discharge of his public duty; and I was sorry to hear such a doctrine or opinion broached.

SIR T. FREMANTLE. — My Honourable Colleague appears to have quite misunderstood me. I may fairly draw a distinction between two things, without sanctioning either of them. What I said was, that the Noble Viscount was misleading the Committee from business over which it had cognisance, to that with which it had nothing whatever to do; for this being a vote of public money, we have a right to inquire into its application. I beg to say that neither here nor elsewhere have I ever justified the turning out of tenants on political grounds.

Vote agreed to.

"That a sum, not exceeding 207,000*l.*, be granted to Her Majesty, for defraying the charge for stores on account of Ordnance and military store branch services for the year 1840–41."

Vote agreed to.

"That a sum, not exceeding 158,647*l.*, be granted to Her Majesty, for defraying the charge of the Office of Ordnance, on account of the allowance of superannuated, retired, and half-pay officers; pensions for good services, inventions, and wounds; for pensions to widows and children of deceased officers late belonging to the several Ordnance military corps; also allowances, compensations, and emoluments, in the nature of superannuated or retired allowances, to persons late belonging to the Office of Ordnance, and to the barrack department, in respect to their having held any public office or employment of a civil nature, and also for the charge of widows' pensions, for the year 1840–41."

On the vote being put, —

Mr. HUME said: — I observe that a person named Alexander M'Intosh has retired, after only fourteen years' service, at the age of thirty-three years. I think that some explanation ought to be given on that point.

SIR H. VIVIAN. — He retired on account of ill health.

Mr. HUME. — I look to the principle; will he, on recovering his health, be taken back into the service?

SIR H. VIVIAN. — Most undoubtedly. If he recover, I shall be glad to employ him again. I always have acted in a similar manner, when opportunity has offered.

Mr. HUME. — I observe that R. Doyle has retired, after fifteen years' service; and there are other case of a similar nature.

SIR H. VIVIAN. — They are all extraordinary cases.

Vote agreed to.

"That a sum, not exceeding 285,636*l.*, be granted to Her Majesty, for defraying the charge of the commissariat supplies in the United Kingdom and the colonies, for the year 1840–41."

Vote agreed to.

Resolutions to be reported on Monday next; Committee to sit again on Monday next.

The House resumed.

WAYS AND MEANS.

On the motion of the **Chancellor** of the **Exchequer**, the House went into Committee.

Resolved, That towards making good the supply granted to Her Majesty, the sum of 8,000,000*l.* be granted out of the Consolidated Fund of the united kingdom of Great Britain and Ireland.

Resolution to be reported on Monday next; Committee to sit again on Monday next.

The House resumed.

STAGE CARRIAGES (IRELAND) BILL.

Second reading deferred till Wednesday, 6th May.

CANADA.

COLONEL SIBTHORP. — I wish to give notice that, on the Noble Lord moving the Order of the Day for the consideration of the affairs of Canada, I shall call the attention of the House to the expenses of the appointments of Lord Durham and the Right Honourable Charles Poulett Thomson, the late and present Governors of that province.

FLOUR IMPORTATION (IRELAND) BILL.

Mr. SHAW. — I beg to ask the Honourable Gentleman opposite whether it be his intention to proceed with the Flour Importation (Ireland) Bill?

Mr. LABOUCHERE. — I have already stated that I intend to proceed with it after Easter.

Committee deferred till Friday next.

PRINTED PAPERS.

Consideration of the statement of the Sergeant-at-Arms deferred till Monday next.

TITHE COMMUTATION ACTS AMENDMENT BILL.

On the motion of **Sir E. Knatchbull**, read a third time, and passed.

MENDICANCY (IRELAND).

Bill, "for the Suppression of Vagrancy and Mendicancy in Ireland, in Unions having Workhouses capable of receiving and affording relief to the Destitute Poor," presented, and read a first time; to be read a second time on Monday, 6th April, and to be printed.

RETURNS.

Secret Service Money. — On the motion of **Colonel Sibthorp**, Return ordered —

Of sums granted under the head of "Secret Service Money," since the year 1830; distinguishing the amount in each year.

King of Hanover. — Return (presented 24th February). — To be printed.

Adjourned, at eleven o'clock, till Monday next.

HOUSE OF LORDS, Lunæ, 23° die Martii, 1840.

APPEALS.

Munro *v.* Munro.—Further heard, and adjourned till to-morrow.

Napier and Company *v.* Duncan (or Bruce).—Appeal presented, and respondent ordered to answer in four weeks.

The Marquess of Ormonde *v.* Wandesford.—Petition of the appellant for further time to lodge cases (the respondent's agents consenting thereto), read, and referred to the Appeal Committee.

Lord Kingston sat first time in Parliament after the death of his father.

GRANT'S DIVORCE BILL.

A witness ordered to attend on Tuesday, the 7th April next.

COMMISSION.

The following Bills received the Royal assent:—Horse-racing Act in part Repeal Bill; Chester and Birkenhead Railway; Sheffield and Rotherham Railway; Lancaster and Preston Railway; North Union Railway; Chard Canal; Edinburgh and Leith Gas; Edinburgh Gas; Wolverhampton Chapel; Rotherhithe Burial Grounds; Winchester Cemetery; Liverpool East India Warehouse Company; Brighton Small Debts; Kennet and Amesbury Road; Garboldisham Inclosure; Fiers', Swain's, Hausburg's, and Promoli's Naturalisation.

BOLTON SMALL DEBTS BILL.—WARMINSTER ROAD BILL.—THAMES PLATE GLASS COMPANY.—ARBROATH AND FORFAR RAILWAY.

Bills read a second time, and committed for to-morrow.

BATTERSBY'S DIVORCE BILL.

Order of the Day for the second reading, and the Lords summoned, read; counsel called in, and witnesses examined; and the further consideration and second reading adjourned till to-morrow, half past three o'clock; and the Lords summoned.

MANCHESTER AND SALFORD CANAL BILL.

Read a third time, with the amendments, and passed, and sent to the Commons.

OPPOSED PRIVATE BILLS.

The following Lords,—namely, the Duke of Richmond, the Earl of Devon, Lord Redesdale, and Lord Strafford were appointed, with the chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill.

THE QUEEN'S ANSWERS TO ADDRESSES OF MONDAY LAST.

Reported.

PRINTED PAPERS BILL.

Brought from the Commons, read a first time, and to be printed.

MARINE MUTINY BILL.—MUTINY BILL.

Brought from the Commons, read a first time, and to be read a second time to-morrow.

BUSINESS OF THE HOUSE.—MUNICIPAL CORPORATIONS (IRELAND) BILL.

The DUKE of WELLINGTON.—My Lords, seeing the Noble Viscount (Viscount Melbourne) in his place, I would wish to submit to him the expediency of postponing the second reading of the Irish Municipal Reform Bill, which stands for Monday next. Your Lordships are aware that a Noble and Learned Friend of mine, who has taken a great share in the discussions upon this measure, on former occasions, in your Lordships' House, is at present unable to attend to his duties here, on account of severe indisposition, and is not likely to be well enough for some days to attend to parliamentary business; I would, therefore, submit to the Noble Viscount the propriety of postponing the second reading, in order that my Noble and Learned Friend may have an opportunity of meanwhile recovering his health, and of taking that share in the discussion which he has been accustomed to take.

VISCOUNT MELBOURNE. — As the request of the Noble Duke for the postponement of the Corporations Bill is made upon such grounds, I of course cannot object to it. But, perhaps, he will not object to take the second reading on Monday, as the discussion will, I apprehend, be in Committee. But, with respect to another Bill (the Printed Papers Bill), which has been brought up from the House of Commons to-night, if that is to pass at all, it is necessary that it should pass as speedily as possible; and I hope, therefore, that the Noble Duke will not press for the postponement of that Bill.

The DUKE of WELLINGTON. — There are many reasons for delay with respect to that Bill, besides the absence of my Noble and Learned Friend. I can assure the Noble Viscount that no Member of either House of Parliament is more desirous than I am that the question should be settled; but I hardly think it would be satisfactory to the public to see it settled in the absence of all the Noble and Learned Lords who would naturally wish to take part in its discussion. The Noble and Learned Lord the Chief Justice of the Queen's Bench is obliged to be absent in the discharge of the duties of his office; and he, of course, will be anxious to take part in it. My Noble and Learned Friend (Lord Wynford) also is absent, and the Chief Baron of the Exchequer is also absent on public business. There is another Noble and Learned Lord absent, who will be home shortly; and the public will expect that these Noble and Learned Lords should have an opportunity of delivering their opinions before we adopt any measure to settle the question; and I am sure that it would not answer the views of Government, or of any party in the country, to carry a measure of such importance in their absence.

VISCOUNT MELBOURNE. — With respect to the second reading of the Corporations Bill, does the Noble Duke object to that?

The DUKE of WELLINGTON.—The second reading of that Bill will be the most important stage; and although I am not disposed to oppose the principle of the Bill, other Noble Lords are; and I think it ought not to be proceeded with in the absence of my Noble and Learned Friend, who took so much interest in all the stages of that measure when it was formerly before your Lordships. If there were any reason to hurry it forward, I would say "very well;" but, as it is,—as there is no such reason,—your Lordships ought to give time for the recovery of my Noble and Learned Friend.

VISCOUNT MELBOURNE. — I apprehend that there is no necessity for the presence of the Noble and Learned Lord, as he is not likely to oppose it, having once or twice acceded to the principle, and objected, only, to the details. But if the Noble Duke insist upon the postponement, of course I must concede it. However, your Lordships should remember that the cause of our being overburdened with business at a late period of the Session is the delay that usually takes place at this period.

The DUKE of WELLINGTON. — I beg the Noble Viscount's pardon. Whenever I propose a delay, I give a reason for it; and I believe I have given a good reason. I do not delay business because I neglect it, or because those under me neglect their duty in not bringing forward measures at the proper period. I never delay business on my own account; but I think I have a right to ask for delay on account of the Noble and Learned Lord, who is absent from illness, and on account of the other Noble and Learned Lords who are absent on their duties. When I think that we ought to have their assistance, and the public will expect to know their opinions, there is a reason for the postponement.

The MARQUESS of LONDONDERRY. — I should like to know on what grounds the Noble Viscount supposes that the Noble and Learned Lord (Lyndhurst) will not object to the second reading of the Bill? It is not the same Bill that was before the House last Session; and, besides, the circumstances of Ireland have altered very much since that period. In addition to that Noble and Learned Lord, there are others unintentionally absent. One Noble Lord, connected with Ireland, and to whom the country is much indebted for the Committee which he obtained last Session, is expected to be in his place either before Easter or immediately after; and other Noble Lords are absent, who can never make up their minds to vote for the principle of this measure, which becomes every Session and every year of more importance to that country. The principle of the Bill once passed, will throw more power into the hands of the Catholics of Ireland, who want not representation, but the power which representation gives. Under these circumstances, I entreat the Noble Viscount not to press, unnecessarily, the second reading of a Bill which carries such a principle, before Easter.

VISCOUNT MELBOURNE. — The Noble Marquess must recollect that, already, at the request of the Noble Duke, a long time has elapsed since the bringing in of this Bill; — a much longer time than the nature of the Bill would require. I am always anxious to pay attention to those who take so large a share in the debates as the Noble and Learned Lords who have been alluded to; but, at the same time, I think, if the business of the House is to be delayed because any Noble Lord may happen to be detained by any circumstances from attending in his place, no business will be got over at all. This Bill has already been delayed some weeks. Will the Noble Duke allow it to stand for Monday, with the understanding that, if the Noble and Learned Lord should not be able to attend then, it will be further postponed? Probably, then, we shall know better at what time the Noble and Learned Lord will be able to attend, and what day will be most convenient for him.

The DUKE of WELLINGTON. — It is of no use my saying whether I will or will not have the Bill put off with an understanding, because the Noble Lord may move the second reading on the day most convenient to him. All I can say is, that if the Noble Viscount does move the second reading in the absence of my Noble and Learned Friend, I shall act as I think proper on the occasion. I have told the Noble Lord the inconvenience of it. Many Noble Lords do not expect business at this period of the Session, as there is generally none; and therefore have not yet come from Ireland. I have stated the illness of my Noble and Learned Friend. If the Noble Viscount has any doubt on the subject, he can call the physician to the bar, and hear what he has to say. I have told the Noble Viscount, with great sorrow, that my Noble and Learned Friend will not be able to attend to business until late next week; and, under such circumstances, it has been usual to ask for a postponement; and, more than that, if one of the Noble Lords opposite were unwell, I fancy that we should be told the public business must stand over, to give them time for recovery. It is but fair to give the Noble and Learned Lord time for the recovery of his health before the Bill is brought forward. I have asked the Noble Viscount to do it; if he will not, I cannot help it.

VISCOUNT MELBOURNE. — Suppose I were to put it off until Friday next, as the Noble Duke says that the Noble and Learned Lord will not be able to attend until the end of next week?

The DUKE of WELLINGTON.—That is not what I said. If the Noble Lord quotes my words, I beg that he will quote them correctly. I said that my Noble and Learned Friend would not be able to attend to public business till the end of next week.

VISCOUNT MELBOURNE. — Well, Friday week; — the end of the week is Friday, is it not?

The MARQUESS of LONDONDERRY. — If the Noble Viscount persist in his intention to move a second reading on Friday, then I shall move a further adjournment until the arrival of the Noble Lords connected with Ireland from that country.

The MARQUESS of LANSDOWNE. — Though I am disposed to concur in the suggestion of the Noble Duke, considering the reason for which it is made, I must remind your Lordships that already the second reading of this Bill has been delayed a very unusual length of time——

The DUKE of WELLINGTON. — No!

The MARQUESS of LANSDOWNE. —An unusual length of time since it came up to this House. Why, it came up early in March, and, at the suggestion of the

Noble Duke, the second reading was postponed until the 30th; and now an application is made for the further adjournment of the question, on account of the absence of the Noble and Learned Lord. I concur entirely in the postponement to which my Noble Friend has consented, that the further consideration of the Bill should be deferred to Friday se'nnight; but, at the same time, I must protest against the doctrine which seems to be laid down by the Noble Marquess opposite, that no important business is to be brought into the House of Lords before Easter, or that Noble Lords are justified in absenting themselves from their duty upon an assumption, for which I know no good foundation, — in fact, that no public business of importance will be brought on before Easter. I shall, therefore, be opposed to the Noble Marquess, if he shall desire any further delay; because I do not think that the absence of Noble Lords in Ireland before Easter is any ground for not proceeding with measures affecting that country. I have always held it to be the duty of the Government to bring forward measures as early as possible. Again and again Her Majesty's Government have been reproached for not doing so; and I hope that your Lordships will not now allow it to go forth to the public, that it is a recognised principle in this House not to proceed with any matter of importance during the early part of the year.

The MARQUESS of LONDONDERRY. — One word in explanation. What I wished to say was, that if this Bill should be read a second time on Friday se'nnight, the time between that and Easter would be so short, that the Committee could not be proceeded with. The Noble Lords connected with Ireland would thus be brought here much sooner than there would be any occasion for their presence.

The EARL of HADDINGTON. — I am sure, that if the Noble Viscount had understood the Noble Duke, he would not have made such an ungracious concession. The Noble Duke said that it would be late in the next week before the Noble and Learned Lord would be so far recovered from his indisposition as to be able to attend to any business at all. He did not say business in this House. The Noble Viscount proposed to bring the Bill on late in next week. The Noble and Learned Lord may not be able to attend, then; and, I must say, whatever the Noble and Learned Lord's opinion may be as to the second reading (and I have reason to believe that my Noble and Learned Friend will vote in favour of the second reading); still, there are many Noble Lords who will oppose the second reading, and they may naturally wish to know the Noble and Learned Lord's reasons for voting in its favour. With respect to what has fallen from the Noble Marquess (the Marquess of Lansdowne), I am perfectly satisfied that the Noble Duke is the last man in the House who would wish to recognise the principle that no business whatever should be transacted before Easter. Nothing of that kind was stated by the Noble Duke. The House has now been sitting for two months, and no measure of the slightest importance has yet been originated before your Lordships.

VISCOUNT MELBOURNE. — This Bill has been three weeks before the House.

The EARL of HADDINGTON. — What I stated was, that no Bill of the slightest importance has been originated in this House since the commencement of the Session. The Government has left off the practice of originating business in this House of Parliament; and it is, therefore, owing to that fact, that the time of the House before Easter is occupied almost entirely in the presentation of petitions. I hope the Noble Viscount will consent to put off the reading to a later day.

VISCOUNT MELBOURNE. — Let it be Monday se'nnight, then.

Second reading (which stands appointed for Monday next), put off to Monday, the 6th of April next; and the Lords summoned.

METROPOLITAN POLICE COURTS BILL.

The MARQUESS of NORMANBY.— My Lords, I move that this Bill be now read a second time.

LORD WYNFORD.— I would suggest to the Noble Marquess that a Bill like the present, which has for its object greatly to curtail the powers of the magistrates of the metropolitan counties should not be proceeded with, with such precipitation. Those magistrates should, in my opinion, have time given them to examine into its provisions, and to make representations against them, if they should think it necessary to do so.

The MARQUESS of NORMANBY.—I can assure the Noble and Learned Lord that he has greatly mistaken the nature and effect of the measure. It takes away no power from the local magistrate; it merely goes to explain, more clearly and intelligibly than before, the regulations under which the metropolitan police courts are, in future, to be conducted. If the Noble and Learned Lord will allow the Bill to be read a second time, he will have a full opportunity of stating his views upon the subject, on going into Committee.

Bill read a second time (according to order), and committed to a Committee of the whole House on Friday next.

THE CORN LAWS.

LORD ASHBURTON. — My Lords, with the permission of the House, I wish to ask the Noble Viscount at the head of the Government a question on the subject of the corn laws. The House must be aware of the great importance of this subject, more especially to the agricultural interests of the country, whose prospects and fortunes are at stake in the matter now under agitation, though not yet under discussion in either House of Parliament, but under an intense system of agitation, got up by different associations throughout the country. I know, myself, of a great number of persons who are disposed to petition the House on this subject; but who, nevertheless, have abstained from doing so, in a great measure, from the confidence which they have felt in the declaration, made by the Noble Viscount on the subject last Session, and because they say they see no reason to suppose that any alteration has since taken place in his mind. I know, very well, that the Noble Viscount might present a petition, as he has done this evening, the prayer of which should be in opposition to his expressed opinion; but, considering the great interests at stake, I should wish to be permitted to ask the Noble Viscount whether he still retains the same opinion on the subject, and whether it is the intention of Her Majesty's Government to introduce any measure for the alteration of the corn laws?

VISCOUNT MELBOURNE. — Certainly, I remain entirely of the same opinion which I have already expressed, — that opinion being, that it would be unwise, and in the highest degree imprudent, totally to repeal the corn laws; at the same time reserving to myself my own opinion as to any modification in the existing laws which might hereafter be thought proper, or appear expedient. I remain of the same opinion still; and, unquestionably, it is not the intention of Her Majesty's Government, as a Government, to bring forward or support any motion for the repeal of the corn laws, or for any change or alteration in those laws.

ILLEGAL PROCESSIONS (IRELAND.)

The DUKE of BUCKINGHAM. — Seeing the Noble Marquess the Secretary for the Home Department in his place, I would take the liberty to ask him a question relative to a matter which has been communicated to me by a gentleman resident in the county of Carlow, with whom I am well acquainted, and who is a person of the highest respectability. That gentleman has stated to me, that on a certain day a number of persons, amounting to upwards of 1200, headed by two Roman Catholic priests, and carrying two banners, inscribed with the word "temperance," and having medals suspended round their necks, paraded the town of Carlow, and that they were permitted to do so under the special sanction of the Lord Lieutenant of Ireland. It is also stated, that Mr. Tuckey, a magistrate, memorialised the Lord Lieutenant to grant that permission. A handbill was also circulated through the town. The question I would ask is, whether the Noble Marquess is aware of these facts?

The MARQUESS of NORMANBY.—In answer to the Noble Duke, I have only to say that his statement is the first intimation I have had of the transaction. I know Mr. Tuckey very well; he is a most respectable man, and I should doubt very much his lending himself to any illegal transaction. However, I will make inquiries of my Noble Friend the Secretary for Ireland.

EXCHEQUER RECORDS.

LORD REDESDALE. — My Lords, on examining the papers which have been laid on the table of your Lordships' House, relating to the destruction of the Exchequer records, I find that those which relate to the actual destruction of the papers commence on the 17th of March, 1838, and end on the 18th of December in the same year. Now, your Lordships will remember that a Bill has been for some time in operation, by which all the records of the country are placed under the control of the Master of the Rolls. Therefore the Exchequer has no authority to act as it has acted. I should be glad if the Noble Lord opposite would give some further explanation of this matter.

LORD MONTEAGLE. — I am very sorry that the question should be put to me in the absence of my Noble Friend the Master of the Rolls, because, if he were present, he would be able to set me right, if the reply I am about to give should be founded in any misapprehension. I believe the Noble Lord has not attentively considered the Act of Parliament, or he would have found, that though it is perfectly true that certain records were, by that Act, to be placed under the control of the Master of the Rolls, — an office at present filled by a Noble Lord whose manner of discharging its duties entitles him to the gratitude of the House; — those documents are specified in the Act, and they are the Pell records, the custody of which is so transferred from the Exchequer to the Rolls. The documents referred to in the Returns have no relation whatever to the Pells, but are documents over which the Rolls has no power to exercise any control. The papers which have been destroyed were not of the nature of Pells, but were entirely of another character.

The EARL of ABERDEEN.—I am sorry to say that I fear a great deal of carelessness has been displayed in the destruction of those records. I have no doubt that a great portion of them are utterly worthless, as the Noble Lord has before stated. But the persons who have been employed in this proceeding have either performed the work very negligently, or were very incompetent to the task. I understand that, at present, most of the papers which have been mutilated and sold are in the hands of auctioneers in the metropolis, for the purpose of being sold to the highest bidder, and therefore they cannot have been so worthless as the Noble Lord has described them to be. By mere accident, however, I saw some of those documents on Saturday, when I happened to be at the British Museum, on other business of the trust. A portion of those very papers were brought to the Museum for sale on that day; they had fallen into the hands of a bookseller, who made up a lot for that purpose. They refer to various subjects, and no doubt the trustees of the British Museum will purchase them; but I think it is a little hard that the public should be made to buy their own records after this fashion. I had the curiosity to look at these papers, and the first thing I saw was a letter from the Papal Secretary of State to Leo X., addressed to Cardinal Wolsey, transmitted with the cap and sword of state, which it was customary for the Popes of Rome to send to the most favoured foreign princes of Christendom, from time to time. The next document, which consisted of several sheets, was a list and description of the jewels bought for the use of Queen Elizabeth. I also heard of another paper, which I did not see, which was an account of the expenses of Charles I. during his imprisonment. It may be asked, of what use could these papers be? In this philosophical age it might be difficult to assign any particular use for them; but it cannot be denied that history, more or less, is made up from such documents, and there is always a strong desire among the learned and the wise to preserve them. I do not think that such papers ought to be sold or destroyed. On looking at the Return which has been presented by desire of the Noble Lord (Lord Redesdale), it appears to me that the business was from the first gone into in a way that could not be satisfactory. Sir John Newport writes about the "unpleasant and disagreeable business in which he was engaged;" and the chief clerk also writes in the same style, and seems to think that his very health would suffer from poring over those musty records. If these persons undertook the work in that way, what could be expected? I know many persons who would have sat down to such a task with as much appetite and delight as others would sit down to a feast. I think, most undoubtedly, that negligence must have existed somewhere.

LORD MONTEAGLE.—I trust your Lordships will permit me to say a few words, in justice to my right honourable friend who preceded me in office; for, personally, the House will please to recollect, I have no concern whatever in this proceeding, having been called on to become Comptroller of the Exchequer after the destruction of those documents. Still, I am not the less disposed to do justice to my right honourable friend. When so much is said about the destruction of important papers, Noble Lords, and particularly the Noble Earl, seem to exclude from their memory that, had it not been for the interposition of my right honourable friend, the whole of the papers would have been destroyed. For fifty years previously, the records in question, about which so much anxiety now is expressed, were left in an open vault, subject to the irruption of the tide from the Thames; and they might have been wholly destroyed, but for the interposition of my right honourable friend. That fact is proved by the documents now before the House. But it has been said that carelessness has been manifested in the discharge of this business. Now, the course pursued by my right honourable friend, was, to employ persons most conversant with the documents; and among them was a gentleman who had served under the late Lord Grenville for fifty years. In the Return is a letter from Mr. Devon, who is a gentleman of great antiquarian research, in proof of the competency of the persons employed in the business. Many of the documents which have been sold may have been valuable as matters of curiosity, but not as public records. Moreover, they may not be originals, but copies. Was the letter from Rome, which the Noble Earl has mentioned, an original or a copy?

The EARL of ABERDEEN. — An original.

LORD MONTEAGLE. — Then, I doubt extremely whether that document came out of the lot which was sold.

[Cries of "Hear!" and much laughter.]

They may have come out of the Pells.

The EARL of ABERDEEN. — There can be no doubt that a great deal of valuable documentary evidence has been recovered by the exertions of Sir John Newport; but that is a reason why all should have been examined with more accuracy. Had they been all Exchequer records, a cursory examination might have sufficed. But they were composed of a vast variety of materials; and I would only say, though not very much accustomed to such documents, that I found no difficulty at all in reading those to which I have referred. Therefore there must have been great negligence and want of attention, or the examination would have been more complete and satisfactory. I shall be much surprised if the public has not to purchase other records, besides those I have mentioned.

LORD REDESDALE. — My Lords, I have been reading the Act of Parliament referred to by the Noble Lord (Monteagle), and my reading of it is very different from that of the Noble Lord. It appears clear to me that all records in the custody of any officer of the Exchequer were transferred to the custody of the Master of the Rolls, by the first clause of the 1st & 2d Victoria, cap. 94., and that the proceedings of the Exchequer have been illegal. The Return itself furnishes a clear proof of negligence, inasmuch as Mr. Devon wrote to the Comptroller of the Exchequer on the 24th of March, 1836, stating that the ancient documents were lying in a vault, which exposed them to destruction; but not one single step to save them was made until March, 1838; so that, after they had been pointed out as being in a perishable condition, they were allowed to remain and rot for two years more. Then, with regard to the proceedings of the Exchequer, it appears that there were about "a hundred boxes of papers so piled upon each other, that the contents, without great labour, could not be ascertained." But it does not follow that those documents should be treated as waste paper, and that a contract should be made with any person who chose to enter into it, to remove those boxes at 8*l.* per ton, which contract has been made. All those documents, which the British Museum will have to purchase back, have been thus sold at 8*l.* per ton. Some private individuals have referred to me several documents which have been recovered. Some of them are more interesting than others, of course; but amongst them I met with an account of the pay of the ships engaged against the Armada, stating the number of men on board. That paper has been mutilated; but why it was mutilated, I am at a loss to know. It could not be brought forward in any objectionable form against the Government. It was, at all events, a curious document, and signed by Lord Burleigh. There was another document, apparently the work of some lawyer, who was employed in an investigation of the Babington conspiracy; and some others, equally curious, which I have seen. Altogether, from what I have heard and seen, I must say there has been, in this case, very great carelessness. Whether there has been more than carelessness I do not feel that I am now qualified to decide.

TREATY WITH AUSTRIA.

The EARL of ABERDEEN. — I wish

o give notice to the Noble Viscount now n the woolsack (Viscount Melbourne) hat I will, to-morrow, make some inuiries respecting the treaty entered nto with Austria the year before last, articularly with respect to the navigaion of the Danube.

CLERGY RESERVES (CANADA).

VISCOUNT DUNCANNON. — My Lords, I beg, in pursuance of Her Majesty's command, to deliver to your Lordhips a copy of an Act passed by the Legislature of Upper Canada, to provide or the sale of the clergy reserves, and or the distribution of the proceeds thereof; ogether with copy of a despatch from he Governor General of Canada, dated 2d January, 1840: and, also, copies and xtracts of correspondence relative to the e-union of the provinces of Upper and Lower Canada: and to move that these ocuments be printed.

The ARCHBISHOP of CANTERBURY. — My Lords, I confess that it as been with considerable surprise I have his evening perceived that the Noble Viscount has seen fit to lay upon your Lordships' table a Bill of such importance, without a single observation as to its ontents. I should have expected from Her Majesty's Government some exlanation of what was intended to be done with respect to this measure; and I aprehend that your Lordships will be of he same opinion, when I state to you hat the contents of this Bill are. Proably it may not be known that the proision for the Protestant church establishment in Canada consists solely of these lergy reserves. Now, it was provided by n Act, passed in the year 1791, that one eventh portion of the Crown lands should e set apart for the maintenance of the rotestant clergy in Canada. It would e exceedingly improper in me to advert o all the proceedings which have taken lace upon this subject; but I would emark, that, in order to prevent any imroper interference by the local Legisature with these reserved lands, it has een enacted, that any act of that body o alter the disposition of those clergy eserves should be laid for thirty days efore both Houses of Parliament beore it should pass into a law. In the resent case, this wholesome provision ill have been but partially complied with, s the Easter holidays must be taken out f the next thirty days. I think it exeedingly unfair that your Lordships' atention should not have been specially called to a Bill of such importance; the more particularly as we are to have but twenty-three, instead of thirty, days for its consideration. Now, this Bill actually repeals the Act of 1791. It gives one quarter of the reserved lands to the Church of England, one quarter to the Church of Scotland, and two quarters — one half of the clergy reserves — to the Dissenters of every denomination in that country, even including the Roman Catholics ! My Lords, this is a Bill which I consider so entirely objectionable in its principle, — and so objectionable, also, in its details, — that I have looked with anxiety for some statement from Her Majesty's Government as to the views which they entertain in relation to the measure. I conceive that the Government has also done wrong in another matter. Your Lordships know that great objections are entertained to this Bill in Canada; and time ought to have been given to those parties in Canada who conceive that they are aggrieved by the Bill, in order to make known the reasons for their opposition. There is another point to which I wish to call the attention of your Lordships. These clergy reserves are not sufficient, at present, for the maintenance of the clergy — very far from it, indeed; and yet, these resources being inadequate for their present object, it is the intention of this Bill to distribute the clergy reserves amongst all the religious denominations in that country. As I have already stated, the Church of England is to have one quarter of those reserves, the Church of Scotland another quarter, and the remaining two quarters are to be distributed amongst the various denominations of Dissenters in that country, whom it would be almost impossible to enumerate. I have made these observations, because I felt that I should have failed in my duty, and because the Church would have considered it a great neglect of duty, on my part, if I had lost a moment in calling the attention of your Lordships to this question. It is not a party affair. God forbid that I should approach such a subject with any party feeling whatever ! It concerns the very existence of the Church in Canada. This is the beginning of a principle which is now working, and has been working for some time. Proceedings for a similar end have been in contemplation, and — whether legal or not — have partly been put into execution, in another colony, where the same considerations for the application of the principle do not exist, — I mean in Australia, — where sixteen or seventeen twenty-thirds of the population are members of the English Established Church. In that colony, also, reserves were set apart, which have since been resumed. I wish to say nothing unfair, and therefore I will only observe, that reducing the Church of England to an equality with all other sects, and depriving it of all the revenues which have been set apart for its support by Parliament in former times, is, at least, a sudden proceeding. I shall, however, go no further into this subject. I may, perhaps, be told, that I have acted unfairly in saying so much already; but I justify myself on the urgency of the case. Your Lordships have but twenty-three days, at the utmost, to deliberate on the subject; and I most earnestly recommend this measure to your Lordships' attention, and I ask you whether, by your silence, you will assent to a measure which will tend very nearly to the extinction of the Church of England in Canada? This Bill is also highly reprehensible on another ground. When every religious party in Canada is struggling to increase its numbers, your Lordships may easily guess to what a height religious dissensions will arise under the present scheme for distributing the clergy reserves.

VISCOUNT DUNCANNON.—I am exceedingly sorry that the Most Reverend Prelate has misunderstood the objects with which I have laid the Bill on the table. It was far from my intention to take the House by surprise, and raise a debate without any notice; and therefore I was proceeding, when the Most Reverend Prelate interrupted me, to move that the Bill be printed, so that it might be placed in your Lordships' hands. I have no doubt, when that is done, that due explanation will be given of the measure.

The ARCHBISHOP of CANTERBURY.—I am extremely sorry that I misunderstood the Noble Lord, and, consequently, interrupted him; but I really thought the measure of such importance as to justify me in calling for an immediate explanation.

VISCOUNT MELBOURNE. — My Lords, I do not mean to accuse the Most Reverend Prelate of any unfairness in making the observations which have fallen from him; but, on the other hand, I must say that the charge of unfairness which he has made against Her Majesty's Government is not one which can, in justice, be sustained. The Government have done that which is prescribed by the Act of Parliament. The Government are directed by the Act of Parliament to lay the Bill on the table of the House; and, if the Bill should remain unobjected to for thirty days after it has been laid on the table, it will be competent to the Government to advise Her Majesty to give that Act the Royal assent, which, unquestionably, it is the intention of the Government to do. It will be for Noble Lords who object to the provisions of the Bill to take any measures with respect to it which they may think proper. As to what the Most Reverend Prelate has said about the period of time allowed for the consideration of the Bill being too short, I may remark, that we are in the habit of taking a very long period for deliberation on measures coming before us, and of deferring business somewhat unnecessarily. But, admitting the great importance of this subject, still I think that, considering the knowledge we already possess respecting it, and the discussions that have taken place upon it, thirty days is a period amply sufficient for examining the measure, and for enabling any Noble Lord who may have objections to it to interpose in a manner that it is competent for him to do. I cannot think, therefore, that, in pursuing the course which the Act of Parliament obliges them to take, Her Majesty's Government have at all laid themselves open to the charge which the Most Reverend Prelate has thought proper to make against them.

The BISHOP of LONDON.—My Lords, I should have expected that, in a matter of such importance, the Government would have given some intimation of its opinion as to the merits of this legislative measure. The Noble Lord the Secretary for the Colonies said that he would give that intimation when he laid the Bill on the table of the other House; and the Noble Viscount (Viscount Melbourne) has now intimated that it is the intention of the Government to advise her Majesty to give her assent to this Bill. I have heard that opinion from the Noble Viscount with the greatest pain; because I believe this measure to be most unconstitutional and iniquitous in its character. The Bill professes to consult the good of the Church, and, at the same time, it despoils it of all its property; restoring, afterwards, one fourth of that which legally belongs to it. It may be necessary to consult the learned judges on this point; and therefore I trust that no unseemly haste will be exhibited in the disposal of it. I trust that the House will not suffer the Legislature to disgrace itself by passing such a measure.

LORD HOLLAND. — The Right Reverend Prelate seems to have overlooked the fact that this is not a Bill in Parliament, but a Bill which has received the sanction of the colonial Legislature.

The ARCHBISHOP of CANTERBURY. — I beg the Noble Baron's pardon. I had no idea that this Bill was any other than a measure of the colonial Legislature.

LORD ELLENBOROUGH. — My Lords, I do not think that, considering the importance of this measure, and the important interests likely to be affected by it, the Government could have delayed this measure; but, at the same time, I feel the inconvenience of laying the Bill on the table in the absence, *pro tempore*, of all the Noble and Learned Lords and all the learned judges. I regret this absence the more, because I know that a Right Reverend Prelate intends to put a question to the judges on the legal merits of the Bill, it being his opinion that, in passing it, the colonial Legislature has exceeded the powers granted under the Quebec Act. With respect to the Bill itself, the Most Reverend Prelate has indulged in some strong expressions of opinion respecting it; but, as I understand, it was carried by a majority of the Assembly, fairly representing the people of Canada, which agreed to it, as a measure of compromise, for the purpose of settling the most difficult question which has ever disturbed that colony. Such being the case, it will be not without great consideration and considerable hesitation that I shall join in any vote for the purpose of inducing the House to prevent the Bill passing into law.

The DUKE of WELLINGTON. — I should wish to know the date of this Bill, and whether it was passed before or after the reception of a certain despatch from the Secretary of State, relative to the administration of the civil government of Upper Canada?

VISCOUNT DUNCANNON. — The Bill passed the House of Assembly on the 15th of January, 1840; and the Legislative Council on the 20th of January, 1840.

Papers delivered, and to be printed.

POOR LAWS (IRELAND).

The MARQUESS of WESTMEATH. — I give notice that I will, on Friday next, bring under your Lordships' notice the manner in which the elections for poor law guardians are now carried on in Ireland. I am sorry to say that, in consequence of the violent way in which the influence of the Roman Catholic clergy is brought to bear on these elections, they have become a nuisance so intolerable as to make it a question whether a Committee may not be necessary to inquire into the matter.

The MARQUESS of NORMANBY. —As I may find it requisite to make some inquiries, I would suggest to the Noble Marquess to fix his motion for some later day.

The MARQUESS of WESTMEATH. — Very well, I will withdraw my notice, and communicate with the Noble Marquess as to the most convenient day.

CONSTABULARY FORCE ACT.

LORD ELLENBOROUGH. — May I ask the Noble Marquess whether any measure is in progres for the purpose of amending the Constabulary Force Act?

The MARQUESS of NORMANBY. — The measure has been brought into the other House of Parliament, and will, I believe, be read a second time on Friday next.

LORD ELLENBOROUGH. — I beg to state that, unless Her Majesty's Government consent to pay a considerable portion of the expense, there will be no chance of the county magistrates agreeing to adopt the measure. Unless a principle be acted on similar to that adopted in Ireland, where the public pay one half of the cost, I know the magistrates will not be satisfied. I do not say they are in the right, but I know that such is their feeling.

The MARQUESS of NORMANBY. — The Noble Lord should recollect that the appointments are differently regulated in the sister country. If the Government pay half the expense, they have the whole of the appointments.

TITHE COMMUTATION ACTS AMENDMENT BILL.

Brought from the Commons; read a first time; and to be printed.

VACCINATION EXTENSION BILL.

To be ingrossed; Bill read a third time; amendments made; Bill passed, and sent to the Commons.

CHURCH BUILDING ACTS AMENDMENT BILL.

Report of the amendments to be received on Thursday next; and the Lords summoned.

VACCINATION.

The MARQUESS of LANSDOWNE. — My Lords, I have a petition to present which has been sent to me from a remote part of Ireland, and which is rather curious in its nature. It is signed by all the medical practitioners of the county of Galway; and I am glad that it has been intrusted to me, as it gives me an opportunity of making known that Ireland is included in the Bill for the extension of vaccination introduced by the Noble Baron opposite.

LORD ELLENBOROUGH. — Ireland has been included from the first introduction of the Bill.

The MARQUESS of LANSDOWNE. — I am very glad to hear that that has been the case; but I am desirous of stating, as the fact is not known publicly, that the provisions of the present measure will extend to Ireland; and I am happy to say so, because the necessity for it is far greater in Ireland than in England. I am informed, by a letter received from a magistrate of the county of Galway, that persons of notoriously bad character have been going about the country bribing the inhabitants—of some small village, perhaps — to allow themselves to be inoculated with the small-pox, and then going about telling all the people round about that the small-pox is in the neighbourhood, and obtaining money for inoculating them, as a preventive.

LORD ELLENBOROUGH. — Ireland was included in the original Bill. The only Noble Lord who doubted the propriety of including that country was the Colleague of the Noble Marquess, — I mean the Noble Secretary for the Home Department.

The MARQUESS of NORMANBY. — I would remind the Noble Lord that my only objection was a dread that the machinery of the Irish Poor Law would not admit of our carrying the Act into effect in Ireland.

The EARL of ROSEBERY. — I trust that the provisions of the Bill will be applied to Scotland as well as England and Ireland, otherwise the benefits which are to be expected from the measure will be counteracted, or, at any rate, lessened, by increasing the danger of contagion. I do really hope, therefore, that the Noble Lord, who, with so much promptitude and spirit, has introduced the Bill, will communicate with the Noble Lords near him who are connected with Scotland, and that he will also enter into some communication with the Lord Advocate for that country, so that some mode may be devised by which the Bill may be extended to Scotland as well as England and Ireland, and thus be rendered more efficient.

LORD ELLENBOROUGH. — I am quite ready to admit that the measure would be more efficient if it could be applied to Scotland; but I have found that the only available body with whom I could co-operate was the Kirk Session, and they have no funds to work with. The House of Commons may be able to supply the requisite funds, and will, possibly, approach the Kirk Session with a better chance of success.

The EARL of HADDINGTON. — My Lords, as I was the person who recommended my Noble Friend to be cautious how he approached the Kirk Session, I wish to state that, since then, I have been in communication with several persons in Scotland, and from their information I am led to believe that it would be quite possible to introduce a beneficial measure into Scotland. I think that the suggestion of the Noble Earl opposite, respecting the Lord Advocate, is a very proper one; and it is one which I trust will be adopted by my Noble Friend.

VACCINATION EXTENSION BILL.

The Marquess of Lansdowne presented a petition of members of the medical profession in the county and county of the town of Galway, praying that the Bill may be made to apply to Ireland and that the present practice of inoculation may be in future prevented — Read, and ordered to lie on the table.

EAST INDIA PRODUCE.

Lord Ellenborough presented a peti-on of the Chamber of Commerce and Manufactures, established by Royal char-er in the city of Glasgow, praying for e equalisation of duties. — Read, and eferred to the Select Committee on the etition of the East India Company for elief.

BRITISH COLONIES.

Lord Strafford presented a petition or the adoption of measures for securing o the colonies the principles of religious quality, — of members of the Independ-nt congregation of Paul's Chapel, Taun-on. — Read, and ordered to lie on the able.

CORN LAWS.

The Marquess of Lansdowne and the Earl of Rosebery presented petitions or the repeal of, — of magistrates and own council of North Berwick: of farmers and landowners of Handforth: of andloom weavers of Handforth: and of nhabitants of Berwick upon Tweed; Egerton; and Stalybridge. — Read, and rdered to lie on the table.

CORONERS (IRELAND).

Lord De Freyne presented a petition or the amendment of the law in reference o their remuneration, — of coroners of he county of Mayo. — Read, and ordered o lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The Earl of Haddington presented etitions for compensation in the event of he Bill passing into a law, — of officers ppointed by and serving under the cor-oration of the city of Dublin; of persons being pipe water turncocks serv-ng under the corporation of the city of Dublin; and of William Frederick Bent-ey, of Chapel Street, Dublin. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Lord Redesdale presented a petition against any further grant of money for the support of, — of inhabitants of Lames-ey. — Read, and ordered to lie on the able.

OPIUM TRADE.

Petitions praying for the suppression of the opium trade with China, — of inhabitants of Newport Pagnell; and Olney. — Read, and ordered to lie on the table.

CORN LAWS.

The Duke of Wellington, Lord Ellenborough, Lord Ashburton, the Duke of Buckingham, Lord Wharncliffe, and other Noble Lords presented petitions against the repeal of, — of owners and occupiers of land, &c. of Brockworth; Cowley; Shipton; Kilton; Great Bedwyn, Little Bedwyn, and Froxfield; Stringston; Holford; East Quantoxhead; and Kilve: of proprietors and occupiers of land and others of Haselbury Plucknett: of gentry, landowners, &c. of Cawood; Selby; Hensall and Heck; Wistow; Ellerton upon Swale; and Brotherton: of landholders, farmers, and inhabitants of Bolton upon Swale; Scorton; Kiplin; and Whitwell: of gentry, landowners, &c. of Northallerton; Yafforth; and Merriott; and of inhabitants of Tholthorpe, Youlton, Feawith, and Aldwark; Craike; Raskelf; Oulston; Thormanby; Easingwold; Coxwold; Hatfield; Marr; Wadworth; Finningley; Brierley; Bramley; Brodsworth and Pickburn; and Sprotbro. — Read, and ordered to lie on the table.

SCOTCH CHURCH PATRONAGE.

The Earl of Aberdeen, the Earl of Rosebery, and the Marquess of Londonderry presented petitions in favour of the principle of non-intrusion, — of ministers, elders, and others of Pollockshaws; St. George's; Forfar; Garvagh; and Macosquin: of the Presbyterian Church, Rosemary Street, Belfast: of the presbytery of Auchterarder: of the members of the Presbyterian congregation of Portaferry; and Killinchy: and of inhabitants of Partick; Auchtermuchty; Auchindoir; Johnston; Canisbay; Kintore; Melrose; Bridge of Weir; Aberlemno; Whitsome; Kildrummy; Lisburn; Durris; and Dumfries. — Read, and ordered to lie on the table.

MEDICAL REFORM.

The Earl of Rosebery presented a petition in favour of, — of students of medicine of the University and Extra-

Academical Schools of Edinburgh. — Read, and ordered to lie on the table.

PAPERS, &c.

Copies of correspondence between John Bagwell, Esquire, and the Commissioners of Poor Laws in Ireland, respecting the appointment of a returning officer for the Clonmel union, in the year 1839; also, copies of correspondence between R. P. Vowell, Esquire, and the above Commissioners, with a copy of a protest forwarded by him on behalf of certain ratepayers of the Kilronan electoral division in the union of Clonmel, respecting the conduct of the messengers employed by the returning officer of that division, dated in the year 1839. — Delivered (pursuant to order of the 13th instant), and to be printed.

Two reports of John Henry Capper, Esquire, superintendent of ships and vessels employed for the confinement of offenders under sentence of transportation. — Delivered (pursuant to Act), and ordered to lie on the table.

Report of the Committee of the House of Commons on printed papers, of the last Session: And, also,

Report of the same Committee of the present Session:

Message to the Commons for.

Adjourned.

HOUSE OF COMMONS.

MESSAGE FROM THE LORDS,

That they have agreed to North Union Railway Bill; Garboldisham Inclosure Bill; Kennet and Amesbury Road Bill, without amendment; Manchester and Salford Junction Canal Bill, with amendments.

PRIVATE BUSINESS.

Thames Embankment. — Alderman Lucas, Alderman Venables, and several common-councilmen appeared at the bar, and presented a petition from the Lord Mayor, aldermen, and commons of the city of London, for consideration of a plan for embanking the River Thames on both sides, from London Bridge to Vauxhall Bridge. — To lie on the table.

On the motion of Sir M. Wood, this petition was ordered to be printed.

Mill Bay (Devon) Pier Bill. — Petition of the corporation of Saltash, gainst. — To lie on the table.

Exeter Port Dues Bill. — Petition of merchants, traders, and inhabitants of Newton Abbot and Newton Bushel, against. - To lie on the table.

Glasgow Poor Rate Bill. — Two petitions from Glasgow, in favour. — To lie n the table.

Maiden Newton Roads Bill.— Petitions n favour, — from Sydling; Yeovil; and minster. — To lie on the table.

Petition of inhabitants of Charminster, gainst. — Referred to the Committee on he Bill; counsel ordered.

Edinburgh and Glasgow Railway Bill. - Petition of the Earl of Hopetown, com-aining of non-compliance with the tanding Orders. — To lie on the table, nd to be printed.

Liverpool East India Warehouse Com-ny Bill. — Lord Viscount Sandon resented a petition of the American hamber of Commerce of Liverpool, in vour. — To lie on the table.

Great Level of the Wash Inclosure (No. 2.). — Lord G. Bentinck presented a petition for leave to present a petition for a Bill. — Referred to the Select Committee on Petitions for Private Bills.

London, Edinburgh, and Glasgow Railways. — Mr. Dennistoun presented a petition of the London Grand Junction Railway Company, praying that the engineers appointed in pursuance of the Address of the House of the 14th of August, 1839, do report on the merits of the London Grand Junction Railway, as regards its connection with, and facilities of communication thereby afforded to, the manufacturing districts of the north of England, Scotland, and Ireland, and the heart of the metropolis. — To lie on the table, and to be printed.

Lloyd's Divorce Bill. — Read a second time, and committed to the Select Committee on Divorce Bills; instruction for counsel and witnesses; copy of minutes of evidence taken before the House of Lords (communicated from the Lords on the 19th of March) referred to the Committee.

Perry's Divorce Bill. — Read a second time, and committed to the Select Committee on Divorce Bills; instruction for counsel and witnesses; depositions transmitted from India relating to the Bill (communicated from the Lords on the 18th of March). — Referred to the Committee.

Birmingham and Wyrley Canal Bill; Crown Point (Leeds) Bridge and Road Bill; Macclesfield and Congleton Road Bill. — Severally read a third time, and passed.

Great Level of the Wash Inclosure (No. 2.). — Petition of James St. George Burke and Rowland Jones Venables, against the application for leave to present a petition for a Bill. — Referred to the Select Committee on Petitions for Private Bills.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and being returned,

Mr. **Speaker** reported the Royal assent to — Horse-racing Bill; Chester and Birkenhead Railway Bill; Sheffield and Rotherham Railway Bill; Lancaster and Preston Junction Railway Bill; North Union Railway Bill; Chard Canal Bill; Edinburgh and Leith Gas Bill; Edinburgh Gas Bill; Wolverhampton Chapel Bill; Rotherhithe Burial Ground Bill; Winchester Cemetery Bill; Liverpool East India Warehouse Company Bill; Brighton Small Debts Bill; Kennet and Amesbury Road Bill; Garboldisham Inclosure Bill; Fiers' Naturalisation Bill; Swain's Naturalisation Bill; Hausburg's Naturalisation Bill; Promoli's Naturalisation Bill.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

Frederick Thesiger, Esquire, for New Woodstock.

LEAVE OF ABSENCE,

To **Sir John Seale**, a fortnight, — urgent private business; **General O'Neill**, a month, — ill health.

NEW WRIT.

For Sutherlandshire, on the motion of Mr. E. J. **Stanley**, ordered, in the room of the Honourable William Howard,— Chiltern Hundreds.

PAPERS.

East India Company. — List presented, — specifying the particulars of retiring allowances and gratuities proposed to be granted to the secretaries and others employed under the Tanjore Commission (by Act). — To lie on the table.

Opium Trade. — Copy presented — of papers and despatches, on the subject of hostilities between the Chinese and British subjects engaged in the opium trade (ordered 13th February). — To lie on the table.

Caledonian Canal. — Copies presented — of correspondence on the subject of the transfer of the Caledonian Canal to a joint stock company (ordered 20th March). — To lie on the table, and to be printed.

Secret Service Money. — Return presented — of sums granted under the head of " Secret Service Money," since the year 1830 (ordered 20th March). — To lie on the table.

China Trade. — Account presented — of declared value of exports from the United Kingdom to China for eleven years, and of specie exported to China (ordered 17th March). — To lie on the table.

Glass. — Account presented — of duties and drawbacks on glass, distinguishing the different descriptions, in 1839 (ordered 17th February). — To lie on the table.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church of England, — By **Sir E. Filmer**, Mr. **Christopher**, **Sir R. Inglis**, and **Colonel Sibthorp**, for extension, — from Blackheath; Holland; Goodhurst, deanery of Axholme; Great Malvern, St. Michael, Derby; Lincoln; Beaumont cum Moge; East Tisted; deanery of Marchia; Biddenden; Dudleigh; Greatham; Shorwell; Olney; Woodchester; Mayfield and Hadlow Down; Horsham; Yateley; Backford; Ospringe; Handley; Beddington and Wallington; Weston super Mare; Adlingfleet; and Teddington.

By Mr. **Baines**, against any grant for church extension, — from Kendal; and Cannock.

Corn Laws,—By Mr. C. **Villiers**, **Sir H. Fleetwood**, Mr. **Liddell**, Mr. **Divett**, Mr. **Elliot**, Mr. **Mark Philips**, Mr. **W. Evans**, **Sir Hussey Vivian**, **Sir E. Knatchbull**, **Sir George Strickland**, Mr. **Wallace**, Mr. **Hume** and Mr. **Baines**, **Sir H. Parnell**, Mr. **W. Williams**, and other Honourable Members for repeal, — from Kendal; Gildersome, Knaresborough; Errington; Heptonstall; Stalybridge; Coniston; Heaton Mersey; Holdenfold; Cliviger; Padiham; Bannockburn; Wolverhampton, Milnathort; Crocketford; Castle Douglas; Brookside, Lancaster; Auchtergaven; Marazion; Mitchel Dean; Dalbeattie; London; Bread Street ward London; Bulkington; Rhosllanerchrugog; Roxburgh; Lillisleaf; Sprouston Girvan; Yetholm; Stratton; Kilmarnock; Lyme Regis; Ednam; Dundee Preston; Mains and Strathmartine Huntly; Freckleton; Longforgan.

Brampton ; Tormoham ; Ilfracombe ; Burton in Lonsdale and Ingleton; Gildersome; Larkhall; Westerkirk; Clovelly; Northam; Appledore; Instow; Burley in Wharfdale ; Kilbarchan ; Messrs. Farrer, Sharp, Matthews, and Co., Cliff Mill, Pudsey; Messrs. Webster and Co., Allen Brigg Mill, Pudsey; Messrs. Walton and Co., Gibraltar Mill, Pudsey; Messrs. Ryder and Co., Union Mill, Pudsey ; Armytage, Moore, and Co., Garth Mill, Pudsey; Messrs. Blackburn and Co., Waterloo Mill, Pudsey; Messrs. Musgrave and Co.'s mill, Pudsey; Messrs. Beaumont and Co.'s Albion Mill, Pudsey; and Nuthurst.

By Sir E. Filmer, Sir C. Burrell, Sir T. D. Acland, Lord Worsley, Mr. H. N. Burroughes, Mr. Plumptre, Sir T. Y. Buller, Mr. Handley, Mr. R. Palmer, Mr. J. Grattan, Mr. Burrell, Mr. Compton, Mr. Waddington, and Mr. Christopher, from owners of land occupying the number of 500,000 acres, and representing property to the amount of 2,000,000*l*., against repeal, — from county of Wicklow; Hibalstowe; Wyham with Cadeley; North Coats and Marsh Chapel; Biscathorpe and other places; South and North Kelsey; Conisholme, and other places; Utterby and North Ormsby; Binbrook Saint Gabriel, &c.; Normanby and other places; Fulstow; Swallow Irby and Cabourn; North and South Elkington; Riby and Keelby; Keddington; Louth Park and Stewton; North Thoresby; Hundon and other places; Nettleton and Rothwell; Gayton-e-Wold; Brough with Girsby; Bigby and other places; Scawby; Kelstern with Lamcroft and Calsthorpe; Hainton and South Willingham; Grainsby; Thoresway and other places; Fotherby and other places; Limber and other places; Newmarket; Owersby and other places; Stainton and Kirmond; Appleby; Wrawby; Caistor; Exning; Glanford Brigg union; Market Rasen; South Erpingham; Saint Faith's union; Depwade union; Horsmonden; Ryarsh; Happing; Ringwood; Tudley cum Caple; Martock; Birling; Cowden; Ellingham, Ibsly, and Harbridge; Redbourne; Haselbury Plucknett; Saint Blazey and other places; Exbourn and other places; West Hallam; Chaddesden; Stanley; Kirk Hallam; Ilkeston; Morley; Breadsall; Scarcliff; Bolsover; Kentisbeare; Werrington; Stockley English; East Worlington; Cadeleigh; Down Saint Mary; Kennereigh; Sampford Courtenay; Cheriton Fitzpaine; West Buckland; Germansweek; Saint Mary, Devon; Kelly; Okehampton; Mary Tavy; North Bovey; Exminster; Brixham; Rewe; Lustleigh; Thornbury; Bickington; Whitechurch; Morleigh; Hatherleigh; Ilsington; Cornwood; Virginstowe; South Sydenham; Chagford; Huxham; Exeter; Heavitree; Totnes; Paignton; East and West Teignmouth ; Plympton Saint Mary ; Bishopsteignton; Revelstoke; Moretonhampstead ; Littlehampton (Devon) ; Tormoham; Upottery; Cheriton Bishop; Wolborough; Egg Buckland; Rattery; Newton Ferrers; Bridford; Lifton; Corringham; Glentworth; Harpswell; Blybro'; Scotton; Hernswell; Graginham; Laughton and Wildsworth; Eastry; Rainham district (Kent); Faversham; Wittersham; Aditham; Saint Margaret's (Kent); Barham; Sheppy; Chartham; Ash; Northbourne; Lynsted; Selling; Bridge; Waldershare; Caenby and Glentham; North and South Reston; Walmsgate ; Burwell and Muckton ; Ruckland and other places; Grimondby and Manby; North and South Cockerington; Great Carlton and other places; North and South Somercotes; Saltfleet and Skidbrooke; Authorpe and Swaby; Hallington and other places; Theddlethorpe All Saints and Theddlethorpe Saint Helen's; Haugham and Tathwell; Welton-le-Wold; Legbourne and Little Cawthorpe; Louth; Terwick; North Chapel; Egdean; Kirdford; Pulborough; Pulborough Market; Storrington; Capel; Rogate; Sullington; Duncton; Sutton (Sussex) ; Petworth ; Rusper ; Fittleworth; Slindon ; Bignor; Bury; Heyshott; Lurgashall; St. Nicholas (Kent) ; Isle of Thanet union; Chartham Farmers' Club (chairman); Swineshead; Sittingbourn ; Reculver ; Chislett ; Hoath ; Spalding union ; Sandwich ; Bridge union ; Bonnington ; Romney ; Wye ; Nackington ; Ashford (two petitions) ; Doddington ; Lydden; Sleaford; Billinghurst; Saltfleetby All Saints and other places; Sutton Saint James ; Tothill and Gayton-le-Marsh; Long Sutton; Stickney and Stickford ; Wimbourne and other places ; Handley; Clown ; Preston, Elmstone, and Stourmouth ; Abingdon union; Well cum Mawthorpe; Alford; Boughton under Blean ; Newdigate ; Weymouth union; Veryan and Gerrans; Isle of Sheppy union ; Claxby ; Ulceby ; Cranborne ; Kilton ; Merriott ; North Perrott and Misterton; East Quantoxhead; Stringston ; Holford; and Kiloe.

Maynooth College, — By Sir E. Filmer, Mr. Christopher, and Lord Viscount Sandon, — against further grant, — from Liverpool; Hollingbourn; Powerstock; Market Rasen; Ruspet; and Nuthurst.

Union Workhouses Bill, — By Mr. J. ROUND, against, — from Chelmsford; and St. Peter Maldon.

East India Iron, — By Mr. CRAWFORD, — of Josiah Marshall and others, members of the Indian Iron and Steel Company, for the admission of East Indian iron ore and chrome ore into Great Britain, duty free. — Referred to the Select Committee on East India Produce.

Ecclesiastical Duties and Revenues Bill, — By Mr. T. D. ACLAND, and SIR R. INGLIS, against, — from deanery of Bath; dean and chapter of Rochester; and dean and chapter of Oxford.

War with China, — By Mr. BROTHERTON, — from St. Ninian's, for prevention of hostilities.

Church Patronage (Scotland), — By CAPTAIN GORDON and LORD VISCOUNT CASTLEREAGH, for alteration of the law, and against intrusion, — from Towse; Melrose; Sorbie; Dromara; Portaferry; Kilmorack; Turriff; Blackridge; Kinnett; Nigg; Fordyce; Strachan; and Down presbytery (moderator and clerk): Also,

By CAPTAIN GORDON, against alteration of the law, — from Aberdeen.

Universal Suffrage, &c., — By Mr. ELLIOT, Mr. HUME, and other Honourable Members, for adoption — from Gorbals; Anderston; Andrew M'Alpin; James Brown; John Mains; Thomas Rankin; Robert Watson; John Walker; Hugh Graham; David Macarthur; Peter Gibson; Thomas Gallaches; John Pollock; Thomas Futton; George Paterson; A. S. M'Phie; Peter Gemmill; Joseph Turnbull; James Thomson; Elizabeth Macdonald; Ann Cameron; John Cameron; James Turnbull; Robert Freebairn; James Rankin; James Downs; Thomas Bathgate; John M'Lean; Alexander Anderson; David Campbell; Hawick; Balcarras; Kirkland print works, Vale of Leven; Mile End Spinning Company, Calton of Glasgow (workers); Messrs. Claron and Co., North Woodside Road, Glasgow; stocking weavers, Gorbals; and Napers Hall Road, Springbank, Glasgow.

East and West India Produce, — From Glasgow, for equalisation of duties.

Rating of Tenements, — From Honiton union, for rating the owners in lieu of the occupiers of small tenements.

Medical Profession, — By SIR J. C. HOBHOUSE and another Honourable Member, for reform, — from the Glasgow Medical Association; Glasgow Faculty of Medicine (president and secretary); and Nottingham.

Emigration, — From Glasgow, for aid.

Sale of Beer Act, — By LORD VISCOUNT SANDON, for prohibiting the sale of beer on the premises, — from New Shoreham; and Newcastle under Lyme.

Flour Importation (Ireland) Bill, — In favour, — from Cahir (two petitions); and Newry.

Tithe Commutation Act, — By Mr. GOULBURN, — of the Reverend Richard Daniel, praying that no award shall be forced on incumbents who have been instituted to livings since Christmas, 1835, previous to a survey.

Church Rates, — From Kingswinford, for abolition.

Municipal Corporations (Ireland) Bill, — By SIR R. INGLIS, — from Grangegorman, against.

Church and State, — From Bridgeton, Glasgow, for separation.

Sale of Bread Act, — By SIR W. FOLLETT, — from bakers of Exeter, for amendment of Act 6 & 7 Will. IV. c. 37, and praying for uniformity of weight.

Inland Warehousing Bill, — By LORD VISCOUNT SANDON, — from Liverpool, against. — Referred to the Select Committee on Inland Warehousing.

Metropolis Improvements, — By COLONEL T. WOOD, complaining of the insufficient approach on the north side of the Thames for the south and west side of London, contiguous to the bridges, — from Chelsea (two petitions); and Battersea. — Referred to the Select Committee on Metropolis Improvements.

Railways, — Petitions for a free competition, from Leek; Stone; and Whitchurch. — Referred to the Select Committee on Railway Communication.

PRINTED PAPERS BILL.

SIR R. H. INGLIS. — I have, Sir, to present to the House a petition from certain inhabitants of Leeds, in Yorkshire; which, after referring to the power that has been recently exercised by this House, in committing to prison a British subject, for seeking redress at the hands of the legal tribunals of his country, for an injury that he had sustained, proceeds to comment upon the further extraordinary exercise of power by the House, in committing the attorney of that individual, and his two clerks; and concludes by praying for the immediate discharge of all the persons who are now in custody under the warrant of the House. I will only add, Sir, that this is one of the most respectful and best written petitions that has ever been placed in my hands to present.

The ATTORNEY GENERAL. — I, also, have to present a petition in connection with this subject. It is signed by a large number of the most respectable attorneys and solicitors of this metropolis. The petitioners say that they consider some measure to enable the House to assert its privileges and protect its servants during the recess may be necessary; and they therefore pray that the Printed Papers Bill may be allowed to pass into a law.

The petitions were severally ordered to lie on the table.

PAPERS, &c.

Malta Mails. — On the motion of Mr. HUTCHINS, accounts ordered —

Of the periods of each mail leaving London for Malta, during the year 1839, and the time of its arrival at Falmouth, Lisbon, Cadiz, Gibraltar, and Malta:

Of the periods of each mail leaving Malta, during the year 1839, and the time of its arrival at Gibraltar, Cadiz, Lisbon, Falmouth, and London.

Canada. — LORD J. RUSSELL presented copies or extracts of correspondence relative to the re-union of the provinces of Upper and Lower Canada (by command): Also,

Copy of the Act of the Legislature of Upper Canada to provide for the sale of the clergy reserves, &c. (by command).— Severally ordered to lie on the table, and to be printed.

Hill Coolies. — Order (20th March) for presenting an Address for copies of the correspondence regarding the immigration of Hill Coolies into British Guiana and the Mauritius. — Read, and discharged.

British Guiana. — On the motion of Mr. MACKINNON, Address for —

Copies or extracts of any correspondence between the Secretary of State for the Colonies and the Governor of British Guiana, respecting the immigration of labourers into that colony.

SOUTH AUSTRALIAN EMIGRATION.

LORD ELIOT. — Sir, I will take this opportunity to give notice that, on Thursday, I shall move for the immediate production of the papers connected with South Australian emigration, which were ordered on my motion on the 14th of February, and which have not been yet produced.

CALL OF THE HOUSE.

Mr. CHRISTOPHER. — I beg to give notice that, to-morrow, I shall move that the House be called over on the 31st instant.

PRUSSIAN LEAGUE.

Mr. BAINES. — I wish, also, to give notice of a motion that I intend to make, on an early day, for copies of any correspondence between the British and Prussian Governments connected with the operation of the Prussian league.

APPELLATE JURISDICTION OF THE HOUSE OF LORDS.

SIR E. SUGDEN. — I beg to give notice that, in the event of any measure being brought before this House for the appointment of additional judges in the courts of equity, unaccompanied by any provision for improvement in the appellate jurisdiction of the House of Lords, I shall, before the second stage of such Bill, draw the attention of the House to the necessity for some improvement in that jurisdiction.

CHURCH EXTENSION.

Mr. C. LUSHINGTON. — I beg to give notice that, to-morrow, I propose to present a petition from a large and influential meeting, held at the Freemasons' Tavern, on the 19th instant, and at which His Royal Highness the Duke of Sussex presided, against any grant for the purpose of church extension.

MESSAGE FROM THE CROWN —LORD SEATON.

Lord John Russell appeared at the bar of the House with a Message from Her Majesty, which was read by Mr. Speaker, as follows: —

Victoria R.

Her Majesty having taken into consideration the important services rendered by John Lord Seaton, a lieutenant general in Her Majesty's army, and late Governor General of Upper and Lower Canada, in the course of the events which have taken place in those provinces; and being desirous to confer some signal mark of Her favour for these and other distinguished merits, upon the said John Lord Seaton, and the two next surviving heirs male of the body of the said John Lord Seaton, recommends to Her faithful Commons the adoption of such measures as may be necessary for the accomplishment of this purpose.

V. R.

On the motion of Lord J. Russell, the said Message ordered to be taken into consideration upon Friday next.

CLERGY RESERVES CANADA.

LORD JOHN RUSSELL. — I beg, now, to move the Order of the Day for the consideration of the Canada correspondence, and the Clergy Reserves Bill.

The Order of the Day having been read, —

Mr. PAKINGTON said: — I beg the Noble Lord's pardon for interrupting him, but I believe this is the proper time for me to present certain petitions, in connection with this subject, which have been placed in my hands for that purpose. The first of these petitions is from the township of St. George, Cape Breton. It complains of the destitution of the British American colonies, as regards religious instruction, and prays that the House will refuse its sanction to any measure the object of which is to deprive the clergy of the endowments which were formerly set apart for their benefit. I have also to present a great many other petitions — in all fifty-one — from as many townships in the province of Upper Canada. They are from the clergy of Upper Canada; Tiny and Tay; Stamford; Glanford; Thorold; Mountain; Saltfleet; Trafalgar; Packenham; Emily; Winchester; Esquising; Drummond; Barton; Edwardsburgh; South Sherbrooke; Bathurst; Binbrok; Williamsburg; Finch; Bertie and Humberstone; Matilda; Grimsby; London (two petitions); Ramsay, &c.; Chatham; Carodoc; Yonge Street; Woolwich; Preslinch; Hamilton; Scarborough and York; Markham; Nichol; Eramosa; Oxford; Adgala; Indian Lands, Brantford, &c.; Albion; Caledon; West Guillenbury; Tecumseth; Dundas; Ancaster; Kemptville; Goulbourn; Niagara Vaughn Markham and York; Goderich, &c.; Brantford; and Adelaid; all in the same province. The last of these is signed by a number of Indians of the Mohawk and Oneiga tribes, who have been converted to Christianity, and profess the doctrines of the Church of England. The whole of these petitions point out, in the most forcible terms, how utterly inadequate is the present provision for the advancement of religion, in that country; and pray this Honourable House not to permit the provision which was set apart for the support of the Protestant Church in Upper Canada to be diverted to any other purpose. Every signature affixed to these petitions is authenticated, either by the clergyman of the district, or by the missionary by whom the petitioners have been converted. Opposite the name of every individual who has signed the petition is placed the number of persons composing his family; and the number of persons represented in this way, by the signatures, amounts to 22,127. I have also another petition to present, Sir, and one which is of very great importance: it comes from the clergy of Upper Canada, signed, on their behalf, by the Bishop of Montreal, and prays for an extension of the means of religious instruction in that province; and for an extension of that instrumentality which the petitioners consider presents the only efficient means for that purpose. It prays particularly for an ecclesiastical appropriation of the clergy reserves.

Sir T. Cochrane, Sir R. Inglis, Mr T. D. Acland, and Mr. Goulburn also presented petitions praying for an ecclesiastical appropriation of the clergy reserves in the British North American provinces, and a consequent increase of the means for the extension of the church establishment in those colonies,—from the south-east coast of Nova Scotia; Saint Paul, Halifax (Nova Scotia); Granville (Nova Scotia); St. James, Newport (Nova Scotia); and Ashton under Lyne. — Severally to lie on the table.

ORDNANCE ESTIMATES.

SIR J. Y. BULLER. — Before this debate commences, I wish to ask the Master General of the Ordnance whether he intends to bring up the Report of the Ordnance Estimates to-night, and to give any explanation in reference to the question I put to him the other evening?

SIR H. VIVIAN. — I propose to bring up the Report after the Canada question is disposed of; and I shall then be prepared to answer the question of the Honourable Baronet. If there should not be time this evening, I will do so at any other time that may be convenient.

CANADA.

LORD JOHN RUSSELL. — Sir, I have been anxious to take the earliest possible opportunity, after the arrival of the proposals of the Governor General of Upper Canada, to bring under the consideration of the House the important subjects to which those proposals relate. I cannot but feel that the importance of the subject will, of itself, induce the House to pay the utmost attention to it. The subjects of Her Majesty residing in Upper and Lower Canada amount to more than 1,000,000; some calculate them at 1,100,000, and some at 1,200,000. They form one of the great families of the American continent. They reside partly in one of the great valleys of the new continent, near the great outlets which communicate with the interior of America, and partly near that series of magnificent lakes which are found on the borders of Upper Canada. To provide for the interests of such a population, and to establish the species of government which is best suited to that population, — a population likely to increase not only by birth, but by emigration, — must, I am quite convinced, be to this House a matter of the deepest interest. But, Sir, beyond this, I am anxious to bring forward a measure which may, if possible, put a stop, except on very rare occasions, to that interference of Parliament which has been rendered necessary of late years. It is now nearly twelve years since Mr. Huskisson, holding the office which I now have the honour to hold, stated the grievances which, as he conceived, affected the people of Canada; and he proposed a Committee of this House upon the subject. Since that time, there have been several measures introduced into Parliament respecting Canada; there have been various inquiries; and events of very deep importance, connected with this subject, have occurred. There is the Report of the Committee of the House of Commons; there have been inquiries by several Commissions, and voluminous documents have been produced, going into almost every detail connected with the state of Canada, — with their laws, with their institutions, with the pecular state of some of those institutions, — and stating certain grievances which ought to be remedied. There have, likewise, occurred, in the course of that time, in two successive years, attempts to separate those provinces from their allegiance to Her Majesty, both by open insurrection in those provinces themselves, and by the inroads of armed banditti from without. These are events, enough, in themselves, to require the attention of Parliament to be directed to the subject, when a measure is introduced, with a view, if possible, of effecting a settlement of these important matters. But, after all the Reports that have been received,—after the different missions that have taken place to Canada, — and after hearing the objections made to the general views of the legislation of the Government last year, it was thought best, by Her Majesty's Ministers, that some one having the entire confidence of the Government, who had taken a share in it, and of the various measures which had been adopted in the course of the events to which I have alluded, should proceed to Canada, and endeavour to ascertain, upon the spot, — combining, as he would, knowledge of the proceedings of the Parliament of this country with the evidence and sentiments of the best informed persons in Upper and Lower Canada,—it was thought right that such a person should go out to Canada, in order to give such a Report to Her Majesty's Government as might enable them to bring forward a measure fortified upon such authorities, and, as far as possible, consistent with the wishes of the inhabitants of Canada. But, although I conceive this step to have been not only expedient, but to have become, by the course of events, absolutely necessary, in order to enable us to frame such a measure, and to go through all its details, I confess that I could not adopt the measure which I am about to ask leave to bring in, unless I were able, as one of the advisers of the Crown, to recommend that some great mark of approbation be conferred upon that distinguished and Gallant Officer who, being kept on two occasions in a position of great difficulty and danger, manfully made head against the danger which threatened the Government—then reposing in his hands,—against insurrection from within, and the prospect of invasion from without; and who, by his knowledge of that mighty art which he had practised under its great master, in modern days, the Duke of Wellington, and by his noble firmness, resisted the progress of disaffection within those provinces, and drove back those hordes which invaded her dominions from without.

[Cries of " Hear, hear, hear ! " from both sides of the House.]

It was therefore with signal satisfaction that I brought down the message from the Crown, which you, Sir, read to the House this day. But, in proceeding to state the grounds of the measure which I am now about to apply for, I must first say, that I am ready to agree that the measure of a union would not have been expedient, if it had been found, as was foreseen by some, on inquiry from those most interested in the settlement of these matters, that the people of Canada would regard it with an absolute repugnance. The present Governor General of Canada has ascertained, by the most accurate means, the sentiments of the people of Canada with regard to it. I should say that he could not obtain, by any constitutional means, the general sentiments of the people of Lower Canada; but he called together the Assembly, which was not convened by himself, but by his predecessors, and received from it certain resolutions agreeing to the principle of the union, as regarded its general object; but leaving the details to the settlement of the Imperial Parliament. On proceeding to Upper Canada, the proposition was much discussed and debated in the Assembly, and in the Legislative Council. There, some who were generally in favour of it wished to affix certain terms to it; but, upon a full debate and consideration of the entire question, the Assembly and Council came to a resolution, in accordance with the proposition of the Governor General, in favour of the union, and unfettered by any restrictions or stipulations. Soon after this they proposed an Address, in which they alluded to certain points which they were desirous of having arranged to their satisfaction; but they, at the same time, expressly declared that they would not make their consent to the measure provisional upon the exception of these points. Therefore, there being this authority from the provinces, and so much agreement as to the general proposition of a union, I must take, now, the evils which I think such a union particularly calculated to remedy.

It was stated by Mr. Huskisson, in 1828, that great evils arose from the nature of the feudal law obtaining in Lower Canada, from the extreme complexity and intricacy of the tenures of land, and also from the fact, that the state of the representation gave such a preponderance to the French race, that those of the British race found themselves aggrieved and oppressed by that superiority. Now, I think, with regard to those evils, that a union does seem an appropriate remedy for them. The Earl of Durham has shown, in a clearer manner than had been shown before, how very little we ought to confound the conduct of the Assembly of Lower Canada with the views of the advocates of constitutional freedom. In fact, the Assembly of Lower Canada, while they resorted to all the weapons of freedom,—while they used constitutional arguments for the prevalence of free institutions,—were employing those arguments in order to establish a gross monopoly in the hands of their own race; and to exclude from the enjoyment of those rights, to which they were entitled, the general body of British inhabitants. Lord Durham has shown, I think, most clearly, that whilst, to all appearance, the advocacy of the constitutional doctrines was confined to M. Papineau and to the leading Members of the Assembly, the English party found refuge in, and had the support of, the Legislative Council; and were therefore obliged to take the side of prerogative in opposition to the popular Assembly, while they were really more attached to those great principles of liberty which it is our pride to uphold. In fact, the Assembly used the weapons of Hampden in support of the principles of Strafford; and, while they possessed the sympathy of a considerable number of the inhabitants of the United States, they used their utmost efforts to forward a scheme of government extremely exclusive,—extremely hostile to all improvement, to the general extension of British enterprise, to the progress of education, and of social and political advancement. For these evils—for this evil spirit—there seems to be no better remedy,—if we agree that Canada shall have a free government,—no more obvious or safer mode of proceeding, in order to put down this system of monopoly and exclusion, than to admit the inhabitants of both countries to send Members to one Legislature, leaving the French race to be represented by persons of their own opinions, but depriving them of that preponderence of which they have made so ill a use. In so deciding, of course, there are many points to be attended to, which, hereafter, I shall have occasion to advert to; but, with respect to the general nature of the proposition, taking the number of the inhabitants of the provinces at 1,100,000, of which 450,000 are supposed to be of the French race, there seems no reason why the two, together, should not send Members to the Assembly who would fairly represent the whole body, and give free scope to British enterprise and emigration, without subjecting the French to any degree of oppression. And I have always been of opinion that we ought not so much to blame the leaders of the French party for the use which they made of their power, directed, as it was, by the singular position in which they were placed by the Act of 1791; which, while it confined them within certain limits, gave them advantages in which the great mass of British emigrants had no share. I will not now discuss the policy of that Act of 1791. Circumstances may have made it expedient to propose that measure. One thing is certain, that of Upper Canada, which then numbered 10,000 inhabitants, the population has since risen to 400,000, and risen to that amount under the influence of British laws and British tenures; but I have always understood, and from men who knew the sentiments of Lord Grenville, that it was not the intention of those who introduced the Act of 1791 to establish a permanent division between the two provinces; but that, at a future time, it would be wise in Parliament to alter the provisions which were then made.

Such being the general view we take, as to the expediency of a union, I think the best way in which I can explain the reasons which have induced me to think that a free and happy government may be founded on the principle of a union between the two provinces will be, by stating the various propositions on which we are of opinion that this union should rest. The House will then see the nature of the government which we propose to establish, and will be able to judge how far such a government will be likely to attain the object we have in view. The first question will be, as to the declaration of the union. I should propose that Her Majesty should be enabled to give instruction to the Governor General to make a proclamation of the union; that no day should be fixed in the Bill for this proclamation; but, at the same time, that there should be a limited period within which it should be declared; and I should submit that it ought not to be later than six months after the passing of this Bill. It is the opinion of the Governor General that it is most desirable that an early period should be fixed for the union. There are some special reasons which make it so desirable. One is, that the Assembly of Upper Canada is at an end in the present year; and it would be necessary, if the union were long delayed, to dissolve that Assembly and to call a new one, which would be a measure obviously not desirable, when the two provinces were about to be incorporated. But a more sufficing reason is, that the people of Canada are generally anxious to see a termination put to the long and vexatious struggle by which they have been agitated. I proposed, last year, considering the time that would be taken in framing the various details in the articles of union, that the Assembly should not meet until the year after next; but not only the authority of the Governor General, but all the accounts I have received on the subject, have convinced me that it is a reasonable petition to ask of the Parliament, that, as soon as possible, they should terminate this anxiety, and give a settled form to the future constitution of Canada. It is obvious that, if you continue the present Special Council of Lower Canada,—a Special Council formed by the Governor, — you are continuing a species of government which no one could wish or believe should be permanent. It could never be the intention of Parliament, or agreeable to the wishes of any portion of the Canadians, that that government, despotic in its form, at least, should be continued beyond the necessity for its duration. It is clear that great inconvenience would arise from giving a more general scope to the restricted power of the Special Council — I will not say unwisely restricted, because the general principle is a right one, of giving no large and extensive powers of legislating for permanent objects, to a council granted for a particular purpose. But whether those powers are unwise, or not, it is evident that, as long as it is the opinion of Parliament they should be continued, so long will restrictions exist to such improvements in the laws as are most essential to a free government.

I think, therefore, for these reasons,

that the declaration of a union should not be long delayed; and that, in a few months after the passing of this Bill, a proclamation of it should be made. I come, next, to the constitution of the Legislative Council and Assembly, which, together with the Governor, it is proposed should form the Legislature. It is proposed, as in last year, that the Crown, or the Governor, acting on the part of the Crown, should appoint the Legislative Councillors. The reports of the Governor General state that, after consulting persons of all parties, while there were many who still adhered to their old favourite project of an elective council, they all agreed that, if there were not an elective council, the best plan would be to leave the nomination as it was directed by the constitution of 1791. A great party is attached to that proposal; and I agree with them in thinking it gives a permanency and independence to the body which are most desirable. There is, then, a strong party in favour of this proposal, and no party in favour of any other, except than of an elective council, to which the Government ever had a most decided objection, and to which, on a proposition I made three years ago, this House expressed likewise its repugnance. The other House of Parliament came to a similar resolution. I propose, then, that the nomination of the council should be for life; the only disqualifications being bankruptcy or crime. The Governor General thinks it desirable that a power of resignation should be given; as it happens, not unfrequently, that a person, who fully deserves to be placed on the list of councillors, goes to reside in a distant part of the country, and, by entirely abandoning his duties as a councillor, swells the list, in point of numbers, without any advantage being derived to the province from his service.

SIR ROBERT PEEL. — What is to be the number of the councillors?

LORD JOHN RUSSELL. — It is not proposed to limit the number, but we intend that they should not be less than twenty. The next question, and the most important one, is, as to the future constitution of the Assembly. The Governor General proposes — and the proposition seems to meet with the assent of both provinces — that the number of representatives sent by Upper and Lower Canada should be equal. It is evident that, at the present moment, the inhabitants of the Upper are not equal in number to those of the Lower province. But, on the other hand, the inhabitants of Upper Canada are greatly increasing; and if I were to speculate on this subject, the probability, I should say, is, that in a few years the number of the inhabitants in the Upper will be increased beyond that of the Lower province. It is suggested, however, that the united Legislature should have the power of adding members from time to time, as the population increases. With respect to the distribution of these members, it is proposed that thirty should be allotted to each province, and should be distributed with no very great alteration of the existing boundaries. On the consideration of that question, it was found — not, indeed, that those boundaries were very long established, but — that they were convenient for the purposes of representation; and that it would be extremely difficult to form any scheme in a country where the inhabitants were so rapidly increasing, either founded on population, or on area and population, which would be practically useful, however, on abstract grounds, it might seem fair and reasonable. It is therefore proposed that the existing division of Upper Canada should be taken. With regard to Lower Canada, the proposition is, that the distribution of members should rather be founded on the divisions which existed previous to the Act of 1829, than on those by which members were sent to the Assembly in later times. One of the subjects referred to by Mr. Huskisson, as just matter of complaint, was the division of districts; and though an Act passed the Assembly for the redress of this grievance, a greater outcry was then raised than before it was passed; and the British race became still more indignant that they had not a fair number of representatives, in comparison to their proportion of the population. It is proposed, now, in order to reduce the numbers to those I have mentioned, taking generally the existing divisions, that there should be a member for each county and each town. It is intended that, in Upper Canada, the towns of Kingstown, Hamilton, Brockville, London, Niagara, and Cornwall; and that, in Lower Canada, Montreal, Quebec, and Three Rivers, should each send one member. The rest of the members for each province are to be returned by districts, which we have called counties. In no case have we placed together counties which, before the Act of 1829, were separate; but, in nine instances we have combined counties which we had separated into two by the Act of 1829. The result will be, therefore, that 39 members will be sent by Upper, and 39 by Lower Canada, making a total of 78. It is intended that one province, inhabited chiefly by the English, and which has expressed a strong desire to be included amongst the counties of the Lower province, should not be separated from it. Four years have been the period hitherto established for the duration of the Assembly, and I do not see any reason for altering that practice.

The next question relates to the laws, and the mode in which they are to be enacted. With regard to this question, it is proposed to give a general power to the Assembly only, but to reserve certain subjects for the assent of the Crown; such as those pointed out by the Constitutional Act of 1791. It is intended that the Royal assent should not be given in those cases, if either House of Parliament shall address the Crown praying for its refusal. The subjects I refer to include, amongst others, regulations concerning the rights and dues of the Protestant clergy, and of the Roman Catholic church. I next come to notice a most important matter relating to a change proposed in the Report of Lord Durham with regard to the power of the Assembly. This question must, in its effects, deeply concern the whole future constitition and government of these provinces. It is proposed, in conformity with our own constitutional views and maxims, that money votes should not originate with the Assembly, but that a vote should never be given on such matters without a message from the Governor, giving the Assembly the power of addressing him upon it. I think this a most important provision, and deeply connected and interwoven with the whole of the misfortunes which have occurred in the Lower, and with some of the difficulties which have taken place in the Upper province. Another provision connected with this point, and one which I likewise think of great importance, regards what Sir George Murray first called, when speaking of the Colonial Legislature, its "Civil List." The Assembly of Upper Canada having expressed a wish that a permanent appropriation should be made for the governor and judges, it is proposed to carry into effect that suggestion. It is also intended, that, with regard to the civil establishment, the civil secretary, and various other civil expenses, should be voted either for a period of years, or during the life of the Queen. These amount to a considerable sum; the Governor General has not been able to make an exact estimate, but it was thought that the charge for the governor and judges would amount to 45,000*l*, and the other expenses of civil government to 30,000*l*. We propose for this purpose 75,000*l*., including in that sum 5000*l*. or 6000*l*. for pensions. Of course, on the demise of the Crown, the territorial revenues revert to Her Majesty's successor. I propose, too, what was likewise proposed in the Bill of last year, that the duties included in the Act introduced by the Earl of Ripon, and collected under the 14th Geo. III., should become part of the Crown revenue. As the Assembly will not then have the power of originating money votes, and as I should hope that an ample Civil List for the purpose of carrying on the civil government of the province, and for defraying the necessary expenses of the courts of justice will be granted, I think we shall take away one great source of contention between the Assembly and the Crown. It seems to me most important that when the Assembly put forward claims inconsistent with our monarchical form of Government, we should remove, as far as possible, those sources of dispute which have formed a real ground of contention. It seems to me, that, partly from defects in our constitutional laws, and partly from the defects of administration, evils which could not have occurred in that regular form of constitutional government which we enjoy, have occurred in several of the colonies, and in none more so than in Canada. It is, as I imagine, not only the theory, but the general practice, of our Government, that to the Executive belongs the appropriation of money; the Ministers being responsible for what they think necessary for the public service, and the House exercising that control over the grant which it thinks necessary. But, in the colonies, there is neither this division of powers, nor this control. In the first place, it is frequently the case that persons intrusted with the confidence of the Governor are above all control by the Assembly,—are totally regardless of the votes framed by the Assembly, —and therefore escape that due examination and responsibility which persons holding important offices, to which great expenditure is attached, ought to be subjected to. On the other hand, the Assembly not having that control which is proper and essential to the due performance of its functions, assumes the power which properly belongs to the Executive, and then—perhaps, according to its own views, perhaps, according to its own interest, but more frequently in accordance with the interests of the constituents of its members—proposes votes of money, and enters on a kind of expenditure which is not legitimate or beneficial to the public at large.

Thus, while there has been no proper control, on the part of the Assembly, and undue power vested in the hands of other functionaries, the people at large have lost the benefit of that kind of government which they were told should be established amongst them; and they have neither the power to prevent improper expenditure by the officers of the Crown, appointed by the Governor, nor the security that their own popular Assembly will lay out the money and taxes of the people for other than special interest, or through local motives. That which I propose seems to have a great tendency to rectify this abuse. I propose that the direct power which the Assembly hitherto has had, with regard to money votes, should be taken away, and a more wholesome practice substituted. I think, at the same time, it will be necessary, without any positive enactment, — for it would be impossible to introduce such a provision into the Bill, but, to provide, by the rule of administration which will be established by the union, — that the Assembly shall exercise a due control over the officers appointed or kept in office by the Governor, and over the distribution and expenditure of the public funds. Many abuses have arisen from the want of this control. I am not now going to raise a discussion on the subject, on which I expressed my opinion fully in a despatch now on the table, and which excited so much agitation in Upper Canada a short time ago, — I mean what was then called the question of responsible Governors. I am not of opinion, as I have often declared, that the official servants of the Governor should be subject to exactly the same responsibility as the Ministers in this country, because the Governor's orders issue directly from the Crown; and it is unjust that the representatives in the Assembly should visit, with the responsibility, those who are not the authors of the acts which they condemn. But the practice has unfortunately prevailed, that there has been one set of men enjoying the confidence of the Governor, forming very often a small party in the colony, distributing the revenues of the colony according to their own notions, and having the great skill and practice which long experience gives in disposing of the property and guiding the administration of the people; and, on the other hand, there have been men, ambitious, perhaps, — stirring, perhaps, — but, at the same time, of great public talents; and that these should be excluded from their share in the administration seems an unfortunate and vicious system; and I think that, by the rule of administration, a better practice ought to be introduced. In conformity with this opinion, my Noble Friend who lately occupied the situation which I now hold informed the Governor of Nova Scotia, that, whenever a vacancy occurred in the council, he was to fill it up by a person selected from a majority of the Assembly, whom he might think properly qualified for such a trust. The occasion of making an appointment arose soon after I succeeded my Noble Friend, and the Governor of Nova Scotia requested to know whether he was to act on the direction which he had received from my predecessor. I told him he was; and I know no better way of giving confidence to the provinces, and, at the same time, making the leaders of the Assembly practical men of business, than by appointing them to situations of official trust and responsibility. I have said you cannot lay down any positive rule for effecting this object; still less can you trust to the Legislature as your guide; because you never can agree to the advice which the members of the Assembly may give, when it interferes either with the Imperial policy, or with the honour and faith of Parliament or of the Crown. I do not think that we can lay down any positive inflexible rule; but, as a general system of policy, those who are among the leaders of the majority of the Assembly should, in my opinion, ~~not~~ be the objects of such appointments.

In thus making the distinction I propose between the powers which are to originate with the Governor and those which are to belong to the Assembly, if I do not go further, I shall deprive the province of the capacity of making many local improvements. It has been the custom — in reference to the improvement of roads, or to any local establishment, and in reference to grants of money for local courts of justice—to propose a Bill to the Assembly, and to appropriate the required funds out of the public taxes of the province. Instead of this mode of proceeding, I propose that there should be brought into more regular and uniform operation, municipal government in those provinces. In Upper Canada there already exists the form of municipal government. There are townships and elective officers, and also counties; but the latter are merely divisions for the choice of members for the Assembly. There are, however, local districts, consisting of two or three counties conjoined, in which taxes are raised for the maintenance of courts of justice, for the expenses of sheriffs and constables, and of the local administration of those districts. But these powers are extremely limited. In Upper Canada, the power of taxation is limited to the imposition of one penny per acre on cultivated land, and of one fifth of a penny an acre on wild land.

he obvious effect of this limitation is to revent the carrying into effect of many improvements out of the public funds; and holders of land to a vast amount, being axed extremely lightly, do not feel themelves obliged to devote their capital to the ultivation of their land, that great object remains unaccomplished. I therefore ropose that this power of taxation should e increased, and that it should be permitted to levy a tax of three pence per cre on all lands. A Report by Lord Durham on this subject, in reference particularly to Lower Canada, shows how xtremely useful some municipal authoity would be, by which local improvements might be effected. In Lower Canada, it does not appear that any such power as I have mentioned exists for this purpose; but I propose to extend to that province the powers now exercised in Upper Canada, giving the Governor authority to form local districts, and to ettle the boundaries of such districts. In Upper Canada there are fifteen districts, and there might be formed, perhaps, wenty-five in Lower Canada. These districts, as formed by the Governor, would not, of course, be so large as to make it inconvenient for members to attend, nor would they partake in any way of the character of political bodies. They are simply intended to effect mere local objects; such as the improvement of the oads and other communications, as well as to attend to a variety of local purposes, which could not otherwise be provided for. I think it necessary that some arangement of this kind should be adopted by Parliament, because it is proposed, in other parts of the Bill, to take away, as I have before said, from the Assembly, the power of originating money votes; and, as this is one of those subjects on which great discussion would probably arise among the different parties in Canada, I think it desirable, on that account also, for Parliament to lay down the basis on which the local districts should be formed.

There is another subject which likewise forms no part of the Bill, but which is a question of the greatest importance as it affects the future government of Canada, and to which I have thought it my duty to devote my attention; — I allude to the question of emigration from this country to Canada. It appears that, in Upper Canada, there are great difficulties opposed to emigration, and that the manner in which the taxes on land are imposed, and the way in which the sales of land take place, in that province, operate as obstacles to the settlement of emigrants there. It is to these circumstances that is, in a great measure, to be attributed that evil which has been so constantly complained of, — namely, that the emigrants from this country, immediately after their arrival in Canadá, pass over to the United States, and become labourers there, instead of remaining, and forming a part of the population of the provinces. I am convinced that some regulation of detail would be sufficient to remedy a good deal of this evil. With respect to the principle which should regulate the sale of lands, it appears to me that nothing is more established than the superiority of that system, of which Mr. Wakefield is the most able advocate, over all other systems hitherto propounded. It is a scheme which enables persons to be secure, at a moderate price, of possessing a certain portion of the land to which they emigrate. It does not force them into the market, to contend with any individual who may speculate to obtain a large tract of land, which he does not mean to cultivate himself; but it enables them, by the expenditure of a small sum of money, to obtain a fixed and certain portion of land; and the purchase money being moderate, it also enables them to apply the rest of their capital to the improvement of that land, and thus conferring strength on the population at large. With respect to the mode of carrying this principle into effect, in such a province as Upper Canada, I do not now wish to speak positively, particularly as the Governor General states that he has written a despatch in answer to one from me, asking for a Report on the subject. But I do not think it would be difficult, by the introduction of a new principle of acknowledged soundness, and by taking care that the administration of the Crown lands should be well conducted, under the care of persons of known integrity, to work the greatest possible change on the face Canada in a few years. In effecting this object, we must rely on the concurrence of the Assembly; and I am glad to see that, in the Address of the Assembly of Upper Canada, it is described as being an object to which they attach the highest value. I believe I have now stated the general features of the Bill which I propose to introduce.

MR. HUME. — What do you propose with respect to qualification?

LORD JOHN RUSSELL. — I do not mean to alter the qualification of electors, nor the period for which the Assembly lasts; but I do propose that there should be qualification for the elected. That qualification should be, I propose, the possession of 500*l*. I understand it is the opinion of the best authorities — and the Governor General has consulted many persons on the subject — that this qualification would have the effect of excluding from the Assembly those persons whose ignorance, in some cases, seems to have been so great, that I am surprised that they should ever have become the choice of a body of electors. These, then, are the main and leading propositions, both of the Bill which I propose to introduce, and of the policy which the Government intends to pursue; but, in making this statement, I wish also to set forth the views I entertain, and which Her Majesty's Government has been induced to take, touching another subject of extreme importance;—I refer to the subject respecting which some petitions have been presented this night, and respecting which a Bill has been passed by the Legislative Council and Assembly of Upper Canada, and laid on the table of the House, — namely, the subject of the clergy reserves.

I hold in my hand a despatch of the Governor General's, which accompanied the Bill I have just mentioned. The House is aware that, by the Act of 1791, one seventh of the land to be granted was set apart for the Protestant clergy, and, by a subsequent clause of that Act, it was provided that the provincial Legislature might vary or repeal the enactment; but, in that case, the Bill was to be laid upon the table of each House of Parliament, and the assent of the Crown was not to be given until after the expiration of thirty days, in order to allow either House, if it should so think fit, to address the Crown not to pass the Bill. This question was brought repeatedly under the notice of the Legislature of Upper Canada; once by the then Colonial Secretary, Lord Grenville, who, in a despatch laid before the Assemby, invited them to consider how the power allowed them by the Constitutional Act to vary or repeal this particular provision might be exercised most advantageously for the spiritual and temporal interests of the subject of the Crown in that province. The opinions of the Assembly of Upper Canada, for a long course of years, have very little varied on this subject; and they are, generally speaking, to the effect that the clergy reserves ought not to be set apart wholly for the clergy of the Church of England. As little is the Assembly ready to set them apart solely for the Churches of England and Scotland, in conformity with what were declared by Sir C. Robinson, Lord Lyndhurst, and Lord Gifford, to be the general intentions of the Act of 1791. The view of the several Assemblies has been, that if the clergy reserves were to be given to the ministers of religion, they ought to be given to the clergy of all Christian denominations; but as there is so much difficulty in attaining this object, it is their general opinion that they ought to be appropriated to the purposes of education, and to erecting places of worship for Christians of all denominations. Between the years 1825 and 1838, no fewer than fourteen different votes were come to by the House of Assembly, all having this object in view. In 1838, the Assembly voted that the proceeds of the sale of the clergy reserves should be appropriated to the Christian religion generally within the province. In 1839, various plans were proposed. One was, that the clergy reserves should be sold, and the amount placed under the control of the local Legislature; but the Legislative Council, proposed a Bill to be laid ultimately before the Imperial Parliament, and this was agreed to by a majority of 21 to 20. The Governor General states, in one of his despatches, that the strongest feeling prevails on the subject; and, in a subsequent despatch, he adds, that the proposition now made is adverse to the decision of the various preceding Assemblies; but that, since the Bill has passed, a general satisfaction is felt at the prospect of settling this much disputed matter. The Bill proposes that the clergy reserves should be sold, and that one half of the proceeds derived from the sale, or from the rents of leased lands, should be given to the support of the Churches of England and Scotland in Canada; and that the remaining half should be divided among the clergy of all denominations of Christians, acknowledged by certain Acts of the province; such as that referring to registration, and others of that kind, in proportion to their numbers.

The Bill likewise provides, that though the half of the proceeds should always be given to the Churches of England and Scotland, yet that that half should be divided between those two churches in proportion to the number of the persons belonging to the two communities. It proposes that Commissioners should ascertain the number; and, as I read the Bill, it does not provide that the proportion now settled should be invariably taken as the proportion. There can be no doubt that, with respect to this subject, a very strong feeling exists in Canada,—so strong, indeed, that I have heard, from more than one person, that that partial insurrection which took place three years ago was to be attributed far more to the excitement which prevailed on this question of the clergy reserves than to any wish to throw off the allegiance to the Crown. There are various impressions on the subject, but they are all united against the application of the clergy reserves, entirely and exclusively, to the support of the Church of England. There is a strong feeling, not only in Canada, but throughout the whole continent of North America, against the existence of an established church with any superiority of privileges, or which should be supposed to govern or dictate to the rest. Holding that view, they of course do not agree that there should be any such peculiar privileges, or any large distribution of the funds, applicable to the members of the Church of England in Upper Canada; for, by all accounts, the members of the Church of England do not amount to one fourth of the whole population. There are other parties whose opinions have very great influence, and have hitherto prevented the agreement which is now come to among the various denominations of Christians in Canada. The Wesleyan Methodists entertain strong objections to any part of the funds being granted to the Roman Catholics, — a feeling which does not seem to have operated so strongly with the members of the Church of England. However this may be, certain it is, that the great majority of the members, both of the Legislative Council and the House of Assembly, who are members of the Church of England, voted in favour of this Bill. This is stated in the despatch of the Governor General; and it undoubtedly is an important element for the consideration of Parliament. For my own part, I would much rather state that I am content with the distribution thus made by the authorities in Canada, than undertake to say that, on any abstract grounds, it is the settlement most desirable to be made. Obvious objections might be urged against such a settlement; but I do not think they suggest any reason which could be urged as of equal importance with the prospect now afforded of returning peace and harmony to the province; and I conceive it to be highly desirable that the dissensions which have disturbed the province should be healed by the agreement of all the various branches of the local Legislature, without a necessity arising for the intervention of the Imperial Parliament. For my part, if I had to propose any scheme to Parliament, I should have found it extremely difficult to frame one which, on the one hand, would have been likely to meet with the concurrence of Parliament, without, on the other, encountering the decided disapprobation and hostility of the people of Upper Canada.

It is not, at this day, after so long a period has elapsed since the Act of 1791, that you can expect to argue with a people composed of many different sects, and living on the borders of the United States, upon the abstract merits of a church establishment. To whom could you appeal as authorities? Paley and Warburton would fail you. Paley expressly says, "that if the majority of the people shall cease to belong to the Established Church, the Established Church should change places with another sect." So that if the majority of the people in Canada be Presbyterians or Roman Catholics, the establishment ought to be that of the majority. But, whatever my wishes may be, and whatever I may have thought to be possible twenty or thirty years ago, I am bound to say, that I do not hold that you can, at this time, impose upon the people of Canada an established church from which the great majority of the people dissent. I am speaking in the sincere wish to maintain these provinces in connection with the mother country; and I think you must be prepared somewhat to bend your opinions,— somewhat to relax your views of a policy which may be agreeable to you, and which may be suitable to this country,—with the purpose of conciliating the no less strong opinions and predilections of the people you wish to govern by the forms of a free constitution. I have no hesitation in saying, in answer to a question put by an Honourable Member the other evening, that the view of Her Majesty's Ministers is this,— that, unless Parliament shall interpose, they will offer their humble advice to Her Majesty to give Her Royal assent to the Bill passed by the Legislature of Upper Canada with respect to the clergy reserves. I think that, by so doing, we should take away from the future united Legislature one great source of discord, and establish, in that province, some degree of harmony on this particular subject, upon which the minds of the people have been so long and so much irritated. I think that we should thus encourage them to believe that their wishes and views would meet with a ready and attentive ear from the Sovereign and from the Parliament of this country. Sir, in all that I have stated, — in all the views which I have ventured to lay before the House, both with respect to the Bill which I propose to bring in, and those other questions upon which I have nothing, at present, to propose, — it has been my honest wish to state principles, and to propose measures, which are in accordance with the permanent connection of those provinces with Great Britain.

It is one of the proudest — perhaps the proudest — of all our national boasts, that wherever we have established colonies, we have made them fit to manage and enjoy those institutions which were once peculiarly our own; that we have given them an education fitting them to become free states, and to govern themselves according to those maxims which, as Englishmen, we must revere. In the able work on America by Monsieur de Tocqueville, he says, "The political education of the people has long been complete; say, rather, it was complete when the people first set foot upon the soil." I say it is a proud testimony in favour of this country, — a prouder testimony than has been given to any nation or empire on the face of the globe. It was, no doubt, a noble and exalted feeling of the importance of his country which caused Cicero to refer, with exultation, to the efficacy of the declaration, "*civis Romanus sum;*" that it was enough for a man to declare himself a Roman citizen to obtain privileges and immunities over a great portion of the globe. But, however great and proud that boast may have been, it was limited by the force and extent of the Roman empire; it was only temporary; it was occasional, and lasted only so long as the legions of Rome were able to enforce the terrors of her empire. But, with respect to the United States of America, it is a boast that will for ever endure, that England sent forth her sons upon that soil with an education, with habits, and with feelings which fitted them to become the parents and progenitors of a free and mighty people in all time to come; that, whether in immediate connection with you, or whether only in ties of amity, you have given them that from which they will never part, except under unavoidable circumstances; that you have inspired them with the love of free institutions, and taught them the way in which the love of free institutions can be best manifested and exercised. It is my belief that you may maintain your connection with the colonies of British North America, without imposing upon them any terms which they would feel it incumbent upon them to resist; and that they may be made to add to your greatness and strength, without a wish, on their part, to take their station on the globe as an independent nation. I believe — and this was also the opinion of Sir James Mackintosh — that our colonies, looking at the circumstances of their situation, will see nothing to envy in those who possess a greater degree of supremacy; for they will recollect that, with respect to the burdens which press upon us, — with respect, for example, to all those votes which have been proposed in this House during the last month for the purpose of maintaining the expenses of the Government, and the charges of defraying our armaments by land and sea, — with respect, I say, to burdens such as these, they will recollect that they are free from them; that the arm of Great Britain protects them, and that the power and reputation of this mighty empire will shield them if they should be attacked. They have the opportunity of applying the produce of such taxes as they may see fit to impose upon themselves, to the promotion of their own internal government, to the advancement of education, to the general welfare of their own province. I am convinced that, if you pass the Bill which I have proposed, and with such alterations as, upon mature consideration, may be deemed necessary to make its provisions satisfactory, — if you can pass such a Bill, and thereby establish a permanent free constitution in British North America, under which British settlers may peaceably and quietly live, — you will add strength to your empire, and you will rule over subjects on the other side of the Atlantic as loyal to their Sovereign as any who exist in the British Isles. You will be establishing no form of slavery, and no insolent dominion on those shores; but you may rest assured that, while your power and reputation will be extended, their freedom and happiness will be secured. I now move for leave to bring in "A Bill to re-unite the Provinces of Upper and Lower Canada, and for the Government thereof."

Question put.

Mr. HUME. — Sir, although I do not intend to enter into the question at any length, on the present occasion, I cannot allow the observations of the Noble Lord to pass without offering a few remarks. Towards the conclusion of his speech, the Noble Lord spoke strongly of the advantage of free institutions. But I beg to remind the Noble Lord of the system of misrule which has prevailed in Canada during the last fifteen or twenty years, and to ask whether the present Bill will confer anything like free institutions on those provinces? Surely the Noble Lord cannot flatter himself with the idea that the people will be deluded in such a manner, and that they will submit to be governed and controlled by an individual sitting in Downing Street? The Noble Lord proposes to concur in the Clergy Reserves Bill, not because he thinks it just, but because it has been passed by the Legislature in Upper Canada; and I certainly was astonished to hear him express his opinion that it will effect a settlement of that question. I ask whether it is just to the people of that province to divide these clergy revenues amongst different sects, when, for the last fifteen years, they have declared that the money arising therefrom ought not to be applied to any sectarian purposes, but to the general education of the people? The Noble Lord is as much mistaken on this point as when he passed his revolutionary resolutions of 1837. The Clergy Reserves Bill has been passed by a packed Assembly; and I have not the least doubt that, if the people had the privilege of free election, that Bill would be speedily repealed. I contend that the Noble Lord, instead of recommending this Bill, ought to reject it, and leave the settlement of so important a question to the united Assembly, if the two provinces are to be united. I know of no other means of putting an end to the discord which now prevails. All the evils under which those provinces are now suffering are attributable to a long system of misgovernment; and I have no hesitation in saying, again, that, if proper steps had been taken, an amicable settlement might easily have been effected. The Noble Lord may rest assured that the clergy reserves will be a continued bone of contention, and that the Legislative Council will be productive of nothing but dissatisfaction until it be made responsible to the people. I own that I have read, with great pleasure, the message of the Governor General to the House of Assembly, after the receipt of the Noble Lord's letter, dated the 14th of October, 1839; and I have no doubt that, if similar steps had been taken a few years ago, peace would long ago have prevailed. The Noble Lord says, in his letter —

> The Queen's Government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement.

Why, up to that time, the Government did invariably thwart their measures, — so much so, that forty or fifty of the best Bills which they introduced were rejected. I was much surprised to hear the Noble Lord say that the French Canadians were the enemies of education. Why, they passed a Bill for the purpose of carrying education into every part of the country; and that Bill was afterwards stopped by the Legislative Council. A more foul accusation, and one more undeserved, was never made against any people. The Noble Lord further said, —

> They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the character and talent of leading persons in the colonies advantages similar to those which talent and character employed in the public service obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which public opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown and the unity of the empire, I am, at the same time, instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion.

Now, can anything be more creditable to a Minister than this declaration; and can anything be more opposed to the uniform practice of the British Government? These provinces have been a continual source of patronage, to the interruption of the improvements which would otherwise have taken place. The following is the address of the Governor General, dated Toronto, January 14th:—

> The Governor General has received Her Majesty's commands to administer the government of these provinces in accordance with the well-understood wishes and interests of the people, and to pay their feelings, as expressed through their representatives, the deference that is justly due to them. These are the commands of Her Majesty, and these are the views with which Her Majesty's Government desires that the administration of these provinces should be conducted; and it will be the earnest and anxious desire of the Governor General to discharge the trust committed to him in accordance with these principles.

This is very pleasing to me; and I cannot avoid expressing my strong conviction that, if such a message had been sent from the Governor General to the Assembly previously to 1837, there would have been no civil war to complain of. It was no unimportant matter that the Assmbly of Upper Canada should be made acquainted with the fact that their own wishes would be considerately attended to; but it is also essential that that Assembly should be constituted on the free, and fair, and equitable principle of just and popular representation, and not such a packed Assembly as was formed under the government of Sir Francis Head. Now, it is almost idle to suppose that a really popular representation can be procured under the system which has been so long pursued. The United States were never able to approach anything like a democratic form of government until they freed themselves from England. I would ask, does the Noble Lord the Secretary for the Colonies mean to say that, in any portion of the colonial possessions of the British empire, a fair and satisfactory popular representation is in operation? I assert that the contrary is the fact. They are all cramped by the patronage at home, and the checks which they receive by the interference of the authorities in Downing Street. I believe, before this matter can be properly and peaceably settled, it will have cost the people of England five or six millions of money. Lord Glenelg, who is, indeed, a very estimable man in private life, has strangely mismanaged these affairs, and ought to have been removed from his situation over the colonies long ago, instead of being rewarded with a pension of 2000*l.* a-year for doing all this mischief. Was Lord Glenelg ignorant of what was going on? He ought not to have been uninformed on the subject; but he would not be instructed. This is quite apparent from a correspondence which I hold in my hand, which shows how the Canadas have been treated. It appears that, some time after the arrival of Sir Francis Head, as Governor of the Upper province, Mr. Baldwin, one of the most moderate members of the Executive Council, was deputed, by the six councillors, to proceed to England, and to represent the real wants and wishes of the people. Mr. Baldwin arrived in this country, and communicated the object of his mission to Lord Glenelg; but Lord Glenelg positively refused to see him. Mr. Baldwin was, at that time, prepared to submit to the authorities in Downing Street the very same measures that the Noble Lord now proposes to adopt. Had those measures been resorted to when Mr. Baldwin suggested them, there would have been no disturbance in the Canadas; and all the evils which have since taken place would have been avoided. I think I am therefore justified in attributing them to Lord Glenelg. I am glad to perceive that Mr. Baldwin has recently been appointed Solicitor General; and I will venture to say that no single appointment made by the Noble Lord will more redound to his credit in the country, in consequence of the deserved esteem in which that gentleman is generally held, and the confidence which is placed in him by the people. I differ from the Noble Lord as to many of the details of the proposed Bill; but I will take a future opportunity of explaining, at greater length, my reasons for so doing. What, I ask, did the colonies demand? In the first place, they wanted the control of their own resources; and I think they were perfectly right; and this is, in a great measure, conceded to them by the Noble Lord. In the second place, they required the supervision of the ministerial authorities, by the annual voting of the supplies, out of which the pay of these officers was to be derived. That point is now conceded. Thirdly, that the colonial Executive should be made to act in unison with the House of Assembly, as the House of Commons in England does with the Government. On that point, also, concessions are to be made. In this country, if the House of Commons should happen to differ from the Government, their opinion is signified, in an intelligible manner, by a vote of want of confidence; but no analogous power exists in Upper Canada; for, there, the best measures introduced for the general good are stopped and thwarted by the Legislative Council. These points, and the clergy reserves, were what they demanded, and they are now all conceded. Why, then, should so much blood and treasure have been wasted? The concessions now proposed, if offered a few years ago, would have satisfied the minds of all parties in the Canadas, and have averted all the evils that have since occurred. Of course, the object of the proposed union of the two provinces is to strengthen the connection with England. To attain that object, the Noble Lord must bear in mind that it will be necessary to concede to the House of Assembly of the united provinces all the points that were previously demanded by the separate Houses of Assembly of the disunited provinces. I think this Bill will act unfavourably to the French Canadians, who are the great majority, and who have been much wronged by the allegations made against them; but I believe they will agree to a moderate form of government, because they must be of opinion that one good and united government is preferable to two divided ones. I do not intend to enter into the details of the plan proposed by the Noble Lord. I may observe, however, that I object to the proposition for imposing a property qualification upon the members of the House of Assembly. Whilst we are endeavouring, at home, to get rid of the qualification as an evil, it is strangely inconsistent to impose it upon the colonies as a beneficial measure. I trust that that part of the plan will be abandoned. The Noble Lord appears to be of opinion that peace and harmony will be secured by the measures now proposed; but when he gives to the House of Assembly of the united provinces all that has been demanded by the separate houses of the, as yet, disconnected provinces, does he suppose that a year will elapse before they will require the complete management and control of their own affairs? The Noble Lord does not seem to be aware what those demands will be, as he reserves to himself, and to the Government at home, so much power in Downing Street. The reservation of that power will, undoubtedly, create new discontents in the Canadas; and I venture to foretel, that, ten years hence, the House of Assembly of the united provinces, if fairly and properly elected, will not submit to the treatment which the Bill now introduced by the Noble Lord proposes, as far as I can understand, to continue and perpetuate.

SIR R. H. INGLIS. — I am astonished that some of the supporters of the Noble Lord, who has been attacked in the latter portion of the speech of the Honourable Member for Kilkenny, should not have been solicitous to defend that Noble Lord, particularly as he is not now in his place. But perhaps this may be accounted for by the impression which seems to prevail that the discussion ought not to take place in the present stage of the Bill; and I certainly should not have troubled the House, but for some of the remarks of the Honourable Member for Kilkenny, and the latter part of the speech of the Noble Lord, which I cannot pass by without entering my strongest protest against. The House, I apprehend, will readily imagine that I allude to the Clergy Reserves Bill; and I think the Noble Lord has not received much encouragement to proceed with his present Bill, when he is told, by no mean authority in Canadian affairs, that, so far from securing the peace and tranquillity of the colonies by the measure, a different result must be anticipated. The Honourable Member for Kilkenny, in his elegant phraseology, says, hat the church reserves, as settled by this Bill, will be a continuous "bone of contenion;" I, however, am satisfied, that this House and the other House of Parliament will not so far neglect their duty as o suffer that Bill to become a part of the aw of the land. What has the Assembly o do with this matter? Are they dealing with property of their own? Protestant clergy cannot mean Popish clergy. Suppose, that instead of this property having been made over to the Protestant clergy, t had been made over to the corporaion of London. Where is the legal diference between an original grant by Act of Parliament, confirmed by special charter of the Crown, to a Protestant clergy, and a grant to any given corporation in England? In either case, is it not equally clear that it was not the intention of the granter and confirmer that the Legislative Assembly should exercise any ownership whatever over it? Can it be contended by any person who has read the debates which took place at the time when the clergy reserves were first set apart, that it ever entered into the contemplation of any person whatever, that they were to be applied to any civil or secular purposes, or to any other uses than the support of the Protestant clergy? It is quite clear that the intention of the parties was to allocate these reserves to the Protestant clergy of the Established Church. The Bill on the table never can produce peace, because it is founded on injustice. You have no right to expect any blessing to attend a measure which deprives any individual or public body, and most of all the Church, of that property which was solemnly dedicated to its use. This doctrine, in the present day, may, perhaps, not be fashionable; but it is not the less true on that account. The common bond of religion is the best security on which the Crown can rely for the permanency of its possessions; and this bond the Bill proposes to weaken. When the House recollects that the colonies are anxious for the maintenance of the Church, I trust it will not so far neglect its duty as to suffer these funds to be so desecrated. Though the colleagues of the Noble Lord have not undertaken his defence against the attack made upon him by the Honourable Member for Kilkenny, still, I trust, they will take some occasion to reply to the attack made upon a late Governor of the Canadas (Sir F. Head). The Honourable Member for Kilkenny has referred to the conduct of that gentleman; but has the Honourable Member read Sir F. Head's despatches? Has he not rather derived his information from certain persons now happily expatriated from the Canadas, with whom I certainly should never have been anxious to be connected? Protesting against being supposed to be bound by the recommendations of the Noble Lord at the head of the Colonial Department, — recommendations which, the Noble Lord admits, are not founded on his own conviction, but upon a desire — which, according to the Honourable Member for Kilkenny, will be frustrated — to promote the peace, tranquillity, and prosperity of these colonies, — I will not further detain the House; but I intend to reserve my observations for the future stages of these measures.

Mr. PAKINGTON.—Although it may be improper to enter into the details of a Bill not yet before the House, yet I take so much interest in the measure which has this night been brought under its consideration, that I cannot refrain from saying that, with regard to the measure for effecting the union of the provinces of Upper and Lower Canada, I entertain grave and serious doubts whether it will be productive of all those advantages which the Noble Lord seems to anticipate, and whether the upholding of British interests, and the overcoming of French disaffection, might not be accomplished in a much more politic manner, than by the union of the two provinces. With regard to the Clergy Reserves Bill, I beg to express my strongest and deepest disapprobation, and my entire condemnation, of the principles upon which that Bill is founded. Though I have seen the provisions of that Bill, I will abstain from going into them until the House shall be fully cognisant of its provisions. The House has, however, heard from the Honourable Member for Kilkenny that this Bill is not calculated to restore peace and harmony in those colonies. I am of the same opinion; for I think its provisions will create dissensions among the numerous sects which are to be admitted to a participation in the clergy reserves, because there will be a scramble amongst them to procure the largest share. Besides this, I hold the Bill to be founded on impolicy and injustice; for I believe the majority of the people wish to retain the means of adequately supporting the Protestant, as the standard religion of the colonies,—not in any intolerant spirit, but with a view to its efficient maintenance. The Noble Lord says that it is one of the proudest boasts of this country that our colonies are so formed as to be able to manage their own affairs, and enjoy free institutions. But I will go further, and say, that our policy must be incomplete, unless England enables her colonies to found efficient establishments for the teaching of that Christianity, without which the prosperity of no country can long be secure. I consider it totally impossible to maintain a useful establishment on the miserable pittance which will be left to the Church, when the clergy reserves are divided amongst the different sects. I believe this Bill to be a departure from the solemn promise made by the Imperial Legislature, in the statute of 1791; and as such, it is a measure of spoliation and destruction. There are two or three questions which I wish to put to the Noble Lord on this subject; and I will either put them now, or postpone them to another occasion, if more convenient.

[Cries of "Go on!"]

The first question involves a matter of great importance; and much as the Noble Lord may differ from my views on the Clergy Reserves Bill, at all events the Noble Lord will admit that, whatever measure may be passed on that subject, there ought not, afterwards, to be any doubt or difficulty as to its legality. I therefore wish to inform the Noble Lord that serious doubts have been expressed, as to whether the passing of the Bill by the provincial Legislature is consistent with the laws and constitution of the colony. There are two points of doubt,—one, as to whether or not the Legislature of Upper Canada, under the provisions of the Act 31 Geo. III., had any right to pass a Clergy Reserves Bill which should have a retrospective effect. The other point arises under the 7th and 8th Geo. IV., which provides that the proceeds from the sales of reserves shall be invested in the English funds; whereas the present Bill proposes their investment in the colonial funds. These points comprise my first question to the Noble Lord. The second question has reference to the different denominations of sects which are to be benefited by this Bill; or, in other words, to have a share in the reserved lands. Has the Noble Lord any objection to lay before the House a Return of the sects recognised by law in Upper Canada? The third question is as to the construction put by the Noble Lord on the provisions of the statute of 1791 which require a colonial Bill to lie thirty days on the table of both Houses of Parliament before it can receive the Royal assent. Does the Noble Lord construe this to mean thirty days of the sitting of Parliament, or thirty days, including the adjournment for the holidays?

SIR CHARLES GREY.—I consider the present measure to be one of so grave and important a character, that it would have been better to avoid entering into any discussion on the present occasion. But, after what has already taken place, I cannot refrain from offering a few observations. I must express my dissent from the opinion of the Honourable Member for Kilkenny, and declare that the measure proposed by the Noble Lord is not, in a single point, — so far as I am acquainted with the affairs of Lower Canada, — a concession to the principles on which the recent resistance and rebellion of that province turned. The Honourable Member cannot be aware of the nature of the demands which were then made, or he would not have made any such assertion. I am happy to say that the measure of the Noble Lord is free from one objection, which I felt most forcibly on a former occasion; — there is nothing in it which can be justly considered as a sacrifice of the rights of the French Canadians in the Lower province; nor is it directed against the existence of the French tenures. On these grounds, I can give my conscientious support to the Bill. There are one or two points to which I wish to direct the attention of the Noble Lord. Although considerable delay might arise from an alteration of the electoral districts, yet, as there is to be a creation of municipal districts for the first time, I hope the boundaries will not be regulated according to the existing divisions; and that some attention will be paid to the peculiar characters of the people, one portion of which is animated by a commercial, and the other by an anti-commercial, spirit. Those who have less of a commercial tendency will gradually resolve themselves voluntarily into the upper districts, and those who are more addicted to commerce will assemble in the lower districts of the St. Lawrence. However, Sir, I have been led into these details contrary to my original intention, — I merely throw them out as suggestions. With respect to the observations that have been made on the Clergy Reserves Bill, I do not hesitate to say that I cannot be—after having resided in the Canadas — sanguine that it will immediately produce contentment. No doubt, dissensions will still exist. But I think, to a certain extent, — to a great extent, — it will put an end to the struggles with respect to the clergy reserves, that do exist. I can only say further, that, knowing the difficulties surrounding the question, I implore the Honourable Baronet the Member for Oxford not to make up his mind hastily upon the measure, or to suppose that it is so unjust that it is necessary he should attempt to gain the assent of the House to address the Crown in opposition to it. I may say that, perhaps, it will hardly strike anybody in this House, that this is exactly the measure they should have proposed with respect to the difficulties attending the clergy reserves. And I think that, after the opinion of Sir Christopher Robinson, and other law authorities of the country, that the Protestant clergy of the Church of Scotland had a claim to a share in those reserves, I should have felt it impossible, without injuring the Church of England, and taking away from it some part of the foundation on which it stands, — for justice is clearly part of it, — I should have found it impossible to sustain the claims which were made on all sides on the clergy reserves, to the exclusion of the Established Church of Scotland. I do not think it was ever intended, according to the letter of the Act, that any other than the established Protestant clergy can have a claim to thos reserves. What occurs to me, therefore, as the easiest and the fairest solution of the difficulties is, that the reserves should be sold as quickly as they can be. I believe that has already been recommended. What, then, is to be done? I think the proceeds of the sales should be divided between those two established churches; and I think, myself, that the other dissenting sects, — (the Roman Catholic clergy being already amply provided for), — that the other dissenting Protestant sects, if they are inclined to take a fair view of the matter, should be satisfied with being provided for by the Legislature; that it should be enacted that they, in those parishes, or ecclesiastical districts, or chapelries where they form the majority, might have similar provision made for them out of the remaining waste lands. It strikes me, that all parties ought to be satisfied with this division of the clergy reserves, thus holding out to the dissenting sects the establishment, in their districts, of a glebe, or having a provision for the maintenance of a clergyman. The Crown, with the consent of the colonial Legislature, could make a similar provision. I do not think it desirable that such a provision should be made by a large quantity of land; but, during my experience in the country, I heard that it was desirable that every dissenting sect in the country should have a decent maintenance; that it was expedient that a small glebe should be attached to the permanent residence of the pastor. That is the view which I take, on the best inquiries I have made, and the best consideration I can give to the matter. I say, therefore, at once, that the present measure is not precisely the one I should recommend, and is not that which I should give my entire and cordial concurrence to; but the observation of the Noble Lord struck me forcibly, with reference to the affairs of Canada. It is impossible that any measure could be devised for the solution of the difficulties attending the question, on which all the Members of the House could agree. It is therefore desirable to make concessions, in some degree, to the opinions, to the necessities of the colony, and to the exigencies of rising circumstances. So many different religious sects are brought together, that we should content ourselves by, at least, not opposing the measure on the ground that it does not appear the best that could be devised, after it has received the assent of the Legislature of the colony, and, as far as we can see, is in unison with the feelings of the majority of the inhabitants of the colony. With these observations, I shall content myself at present. I am obliged to deny — and I do it with all respect — the assertion of the Honourable Member for Kilkenny, that this is a concession to the demands made, and endeavoured to be enforced by rebellion. And I own — for I shall never countenance a measure for spoliation and injustice as to the vested existing rights of the inhabitants, — that, so far as I have heard the explanation of the details, it is one to which I think I shall be able to give my cordial concurrence, though not with the most sanguine expectations of its at once extinguishing the discords between different parties. And as to the clergy reserves, I think it is desirable, though this is not precisely the measure I should have thought of, to caution all Honourable Members against making up their minds to attempt to address the Crown, and to bring either House, or the Crown, in opposition to the declared will of the colonial Legislature, before they have well considered how any other settlement can be effected.

SIR ROBERT PEEL. — I feel that, if the House were, at this moment, to enter into a discussion of the subject, it would be in the absence of most important documents, — in the absence of the enactments by which the Noble Lord proposes, in case of the union of the Canadas, to carry it into effect; and, next, without a knowledge of the provisions of the Bill by which the colonial Legislature proposes to deal with the clergy reserves. It may be said that, although we are not in possession of the Bill, we are in possession of its general enactments, and that we might discuss its general principles. But there are other documents not before the House: I mean those despatches from the Governor General of Canada, which, I presume, the Noble Lord intends to produce. So that, reserving my entirely unfettered discretion to consider this measure in a manner suitable to the immense importance of the subject, and to the great interests involved in it, I am desirous of postponing the discussion, with regard to the principles and details, till those documents are produced, — namely, the enactments to give effect to the measure, and the despatches of the Governor General. My chief object in rising is, to ask of the Noble Lord what he proposes to do with the clergy reserves of Lower Canada? The Legislature of Upper Canada have sent for the consent of her Majesty a measure respecting the clergy reserves of the Upper province; and I understood that, if no dissent should be signified in this or the other House of Parliament, the Noble Lord was prepared to advise the Crown to sanction it. I now wish to ask the Noble Lord what course he means to pursue with regard to the clergy reserves of Lower Canada?

LORD JOHN RUSSELL. — As to the clergy reserves of Lower Canada, and to the Bill passed by the colonial Legislature, supposing it to receive Her Majesty's consent, I propose to leave these subjects to the united Legislature, subject to the provision of the Act of 1791, "that no Act can receive the consent of the Crown unless previously laid before Parliament." I do not intend to introduce any measure with respect to the clergy reserves of Lower Canada, but to reserve to the two Houses of Parliament the power given in the Act of 1791, that either House may address the Crown to refuse its assent to any Bill that might be passed by the colonial Legislature.

SIR ROBERT PEEL. — The Noble Lord proposes, then, that, as to the clergy reserves in Upper Canada, in case neither House of Parliament shall interpose, the Crown shall give its assent to the Act; thus excluding from the consideration of the Legislature of the two Canadas, in case they should be united, any discretion on the appropriation of the clergy reserves, except as to mere details. But, if I understand him, the Noble Lord proposes to leave to the united Legislature of the united provinces the mode of dealing with the clergy reserves in Lower Canada, reserving only the provision of the Act of 1791 (which applies, at present, to both the provinces), that no colonial Act shall have the force of law till laid on the tables of both Houses of Parliament; and that the Crown shall not give its consent to such Act if either House address the Crown in opposition to it.

LORD JOHN RUSSELL.—I wish to put the House in possession of what I consider to be the state of the law with regard to the Clergy Reserves Bill in Upper Canada. I believe, if the consent of Her Majesty were given to the Bill, the effect would be this: it would not, in form, prevent the Legislature of the united provinces from legislating on the subject; but it would have the power of interfering with the Act; and any Bill of the kind, not being subject to the Act of 1791, might be assented to by the local Government and by Her Majesty's Government, without being subject to the restrictions of the Act of 1791. I do not think that, by any special legislation, the Act should be rendered permanent and irrevocable. I am of the same opinion as to the clergy reserves of Lower Canada, as to which no legislation has taken place. It will, of course, be competent for any one to show that I have not stated the law correctly; but I do not wish the measure to be assented to under the notion that it will be final, and that no power will be left to the Legislature of the united provinces to have a control over it.

SIR R. PEEL.—So that, supposing neither House of Parliament were to interfere with the Clergy Reserves Act, and that the Crown were to give its assent to it, the Noble Lord considers that the measure would not be final, even as to Lower Canada? But, in the event of the union, the united Legislature of the united provinces might pass an Act, and appropriate the whole produce of the clergy reserves to the purposes of general education or secular purposes; and that Act is to have effect, when it shall have been laid on the table of the House, and, after thirty days, neither House of Parliament has addressed the Crown against it.

LORD J. RUSSELL.—I believe there is that power, subject to certain exceptions as to property, already given in endowments. I think that there were some endowments granted by Sir John Colborne, — and the colonial Legislature would not, I conceive, have any power whatever over them. But as to the distribution of the property proposed to be effected by this Act, — one portion to the Church of England, another to the Church of Scotland, and another to other objects, — that, being general legislation, would be liable to the interference of the colonial Legislature.

Sir, I have been asked a question with regard to the Act 7 & 8 George IV., providing for the sale of one fourth of the clergy reserves, and the investment of the proceeds in this country,—the greater part having been so invested in this country, and the Act making no exceptions as to the Act of 1791; and the Governor General requested me to procure the opinion of the law officers of the Crown whether those proceeds, so invested in this country, could be reinvested in Canada? Now, the opinion of the law officers was, that an Act of the Imperial Parliament was requisite. It will, therefore, be necessary to bring in a Bill to carry into effect that part of the Bill of the provincial Legislature (supposing it to receive the Royal Assent) which is to empower the Crown, or any authority under the Crown, to transfer the money from this country to Canada. The Honourable Member for Droitwich also asked a question as to when I considered that the thirty days would expire? I cannot give any opinion upon the meaning of that provision, but will take care to inform the Honourable Gentleman what the opinion of the law officers is; and I should be very unwilling that any advice given to the Crown should take by surprise either House of Parliament I was likewise asked as to the debt and revenue of the colony; on which point I omitted what I had to state. It was part of the proposition of the Governor General, to which both the special council of Lower Canada and the Legislature of Upper Canada assented, that the debt of the Upper province should form a debt of the united colony, as the greater portion has been incurred for public works undertaken by Upper Canada. It is true that some part of the works were for the benefit of Upper Canada; but it is difficult to distinguish between the different parts of the debt, and the province of Upper Canada has been extremely liberal, and ready to submit to expense for improving the means of intercourse between the remote parts of Upper Canada and the stream of the St. Lawrence (which is equally beneficial to both provinces), and has, somewhat lavishly, incurred expense for that purpose; whereas the Lower province has not, of late years, lent any aid for such purposes; and many of the works have lost much of their utility through the want of concurrence on the part of the Lower province. We propose, therefore, that the debt incurred on these accounts should form the debt of the united province; and, no doubt, the united Legislature will make provision for carrying on these works — as much care will be necessary to perfect them — in the Lower province; and thus the people of both provinces will be benefited, — none more so than the inhabitants of the district of the St. Lawrence.

I agree with the Right Honourable Baronet that this is not the period at which the principles and details of the measure can be fully discussed. Several papers, still to be laid upon the table, will throw considerable light upon these subjects; and which papers, with the exception of certain confidential communications as to particular points and particular localities, shall be produced, with any information as to those general topics of legislation on which the merits of this Bill have to be discussed.

MR. PAKINGTON. — The Noble Lord has not given an answer to my question, whether the Legislature of Upper Canada have power, under 31 Geo. III., to deal with the reserves already allotted; whether, on that point, the Noble Lord has taken the opinion of the law officers of the Crown; also, whether the Noble Lord will lay on the table Returns of the various denominations to which the Bill would apply.

LORD JOHN RUSSELL. — As to the Honourable Member's first question, I have not taken the opinion of the Crown law officers; but if he will put it in a convenient form, I shall have no difficulty in doing so. As it strikes me, it appears that the property already given in endowment is the property of the clergy, and not liable to interruption. With respect to the sects which will derive advantage from the measure, they are such as are recognised by certain Acts relating to the subject, and which I will lay on the table. But not having received, on this point, explanations from the Governor General, I cannot undertake to produce lists of the persons who might be benefited.

COLONEL SIBTHORP. — I have repeatedly endeavoured to procure information as to the expenses incurred by the various missions to Canada, especially those of Lord Gosford, Lord Durham, and the present Governor General. But I am sorry to say that there is great difficulty in obtaining distinct information on these points. Now, I trust that I shall be able to get Returns drawn in a manner better calculated to give satisfaction to the public. These Returns would show, if properly presented, the most unwarrantable expenditure, since 1835. I am afraid, however, that there has been an intention — I had almost said — to mystify these accounts, and to prevent the country from arriving at a fair understanding on the subject.

Bill then ordered to be brought in by LORD JOHN RUSSELL, LORD PALMERSTON, Mr. MACAULAY, Mr. LABOUCHERE, and the CHANCELLOR of the EXCHEQUER.

SUPPLY.— ORDNANCE ESTIMATES.

Mr. BERNAL brought up the Report of the Committee of Supply on the Ordnance Estimates. — Resolution reported: —

1. That a sum, not exceeding 116,874*l*., be granted to Her Majesty, for defraying the salaries of the civil establishments of the Office of Ordnance, at the Tower and Pall Mall, at Woolwich, the out stations in the United Kingdom, and at the foreign stations, for the year 1840–1.

2. That a sum, not exceeding 106,930*l*., be granted to Her Majesty, for defraying the expense of the corps of Royal Engineers and Sappers and Miners, for the year 1840–1.

SIR JOHN YARDE BULLER. — I thought it was the intention of the Right Honourable and Gallant Gentleman, the Master General of the Ordnance, to make some explanation as to the dismissal of Mr. Foote.

SIR HUSSEY VIVIAN. — I have not risen to make any statement; because I do not consider any statement necessary. I fully entered into this question, when, on my bringing forward the Ordnance Estimates, we were charged with having dismissed Mr. Foote from the office of solicitor to the Ordnance Department for his vote at the Devonport election. I then stated, as I now repeat, that neither the board nor I had anything to do with the dismissal of Mr. Foote, any more than we had to do with his appointment; all such appointments being in the solicitor to the Ordnance, whose agent, in fact, Mr. Foote was. In consequence, however, of what then passed, and the promise my Gallant Friend the principal storekeeper of the department (Colonel Anson) gave, that inquiry should be made, I have since spoken to Mr. Hignett on the subject, and I received an answer, which I requested him to reduce to writing; he has accordingly done so; and I will now, if the House will allow me, read Mr. Hignett's explanation: —

Office of Ordnance, March 23. 1840.

Sir, — In obedience to your order, calling upon me for an explanation of the reasons which induced me to employ a law agent at Devonport, in the room of Mr. Foote, who acted in that capacity many years for Mr. James Smith, my predecessor in office, I have the honour to state that, upon the death of the latter, on the 24th of December last, all the law agencies, according to the rule of the solicitor's office, terminated. Upon my appointment by you on the 26th of that month, I alone became responsible to you and the board for the due performance of the duties of the office; and I therefore considered that I had a right to employ agents from amongst my own professional friends and acquaintance, wheresoever the business of the department might render it necessary, and without being required by the agents of my predecessor to assign any reason for so doing. I accordingly, very soon after my appointment by you, employed new agents at several Ordnance stations, including Devonport; and Mr. Foote is the only gentleman who has thought fit to make any complaint to me on the subject.

It appears that fresh agents were appointed in three different places; one in Liverpool; another in Birmingham; and a third — I do not recollect where. But Mr. Hignett continues: —

He has also caused a letter to be inserted in a provincial newspaper, which has been transferred to the columns of the daily London journals, in which he alleges that he had, during a period of fifty-five years, acted as the confidential agent of the Board of Ordnance, and of the Ordnance solicitor, and that he has been removed from the agency solely on the ground of his having voted at the recent election in favour of a gentleman who is opposed to the Government. That Mr. Foote should have imagined this to have been a cause of his removal I can easily suppose, seeing the very strong part which was taken by him and his son at the election, both of whom were members of Mr. Dawson's committee, and actually, in a placard, pledged their professional time gratuitously to that gentleman. In reply, however, to Mr. Foote's allegation, I beg to state that that gentleman has entirely misunderstood the nature of his own position, as well as my motives for employing a new agent; for, in the first place, he never was the confidential agent of the board, who have no such law agent at any station. His engagement was merely a personal affair between himself and the solicitor, who might, with perfect propriety and regularity, have terminated the agency at any moment, and who, upon a recent occasion, actually contemplated transferring the business to Mr. Eastlake, of Plymouth. Mr. Foote was first employed in that capacity, not by the board, but by Mr. Robert Smith, the late solicitor's father, about the period stated in his before-mentioned letter, and he continued to act for those gentlemen, successively, until the death of the son. In the next place, I can assure you that the election at Devonport had nothing to do with my selection of a new law agent at that station; because I had decided upon that step previously to the 1st of January last; and, I will add, that, not having the honour of being personally acquainted with Messrs. Foote, I had no knowledge of their politics, or of the part they meant to take in the subsequent election. From my long experience in the law business of the department, as agent of the late solicitor, I am enabled positively to state, that the board never interfered in the employment or change of the country agents, nor ever recognised those gentlemen in any capacity. I also know that the same rule is observed by the Lords of the Admiralty, and, I believe, by all the other public boards. This was proved a few years ago, when, upon the occasion of the death of Mr. Moses Greethan, the agent of the Admiralty solicitor at Portsmouth, on application to that board to sanction the appointment of Mr. Minchin as his successor, Sir James Graham, the then First Lord, declined to interfere in the matter, on the ground that the responsible duty of selecting and employing proper law agents rested solely with the solicitor.

I have the honour to be, Sir,
Your faithful and most obedient servant,
J. HIGNETT, Solicitor.

The Right Hon. Sir Hussey Vivian,
Bart., Master General of the Ordnance, &c.

Sir, this statement of Mr. Hignett, I think, proves that the Ordnance had nothing whatever to do with what the Honourable Baronet the Member for South Devon terms the dismissal of Mr. Foote. From the inquiry I have made, and the information I have received, I find it ever has been the case, that all these local appointments have been left entirely to the London solicitor; and if the Honourable Baronet is not satisfied with the evidence of Mr. Hignett, I will now prove to him, by the evidence of Mr. Foote himself, that Mr. Foote could not possibly consider himself as the solicitor of the Ordnance Department, and employed under the board. I have long known Mr. Foote; I have a high respect for, and a high opinion of, that gentleman. I am persuaded he would never do anything not perfectly consistent with the character and conduct of a man of the highest principle and the strictest integrity; and now, then, I will ask the Honourable Baronet, does he think that, if Mr. Foote considered himself the confidential agent of the Ordnance, he would have affixed his signature to the document I hold in my hand, and which I will now read to the House? If the Honourable Baronet is disposed to do such injustice to Mr. Foote, I am not. It is, I repeat, quite impossible that Mr. Foote could have signed this paper, believing himself, at the same time, to be the solicitor to the Board of Ordnance: —

The Right Hon. G. Dawson's election.

We, the undersigned attorneys resident in Devonport, having heard the announcement that Mr. Dawson is a candidate for the representation of the borough in Parliament, have formed ourselves into a professional committee, and agree to give our gratuitous services to the Right Honourable Gentleman throughout his contest.

And among the names affixed to that document, Sir, I find those of Mr. Foote and his son. Then, I ask, is it possible to believe that Mr. Foote ever would have pledged himself, thus gratuitously, to support a candidate opposed to the Government, had he considered himself the confidential agent of the Ordnance Department? What would have been said, if the solicitor of the Ordnance had signed such a resolution in the favour of Mr. Tufnell? We should, at once, have been exposed to the charge of corruption; and very properly so. Under no circumstances, I say, could a party holding an office (as the Honourable Baronet assumes Mr. Foote to have done) under the Government have affixed his name, with any degree of propriety, to such a placard, whether the pledge was for or against the Government candidate. It is doing Mr. Foote a great injustice to suppose that, when he acted in this manner, he believed he held an employment under the Government.

With respect to Captain Dundas having, shortly before the election, been at Devonport; he was there by my orders, respecting the sale of some ground belonging to the Ordnance, and for which application had been made by a gentleman resident in the neighbourhood. He was there to meet me on my road from my residence in Cornwall to attend my duty in this House, and to consult with me and the officer of the Royal Engineers, on the subject of the disposal of this property. Captain Dundas arrived at Devonport very late on the evening of the 6th of January. On the same evening I arrived from the west; I saw my Honourable Friend the Government candidate for a few minutes only; with Captain Dundas I settled what was to be done in respect of the property in question; and, at six the following morning, I left the place, having, immediately before starting, had the pleasure of shaking hands with my friend Mr. Dawson, who, hearing I was there, got up thus early purposely to see me. I mention these circumstances, in order to show how little I had an opportunity, even if I had wished, to interfere in the election. I left Captain Dundas at Devonport; and I am authorised by that gallant officer to state that, when he called on Mr. Foote the next morning, as he necessarily did, in company with Sir George Hoste, the officer of the Royal Engineers in command at Devonport, to speak to Mr. Foote on the subject of the property proposed to be sold, and respecting which Mr. Foote, from his long having been employed by the solicitor to the board, could give all the information he (Captain Dundas) required, the mention of the coming contest for the seat arose casually, and just as he was about to depart; when he observed to Mr. Foote, "I hope you won't oppose us;" to which Mr. Foote replied, "My son is on Mr. Dawson's committee, and as for myself (Mr. Foote added), I am an old man, and shall probably not vote;" and this was the purport of what passed. But Honourable Gentlemen opposite are fond of finding cases against the Ordnance Department.

When I moved the estimate, amongst other charges of corruption and oppression brought against us, the case of a sailor named Underdown was mentioned; and he was said to have been removed from one vessel to another, because he voted for Mr. Dawson. I now, Sir, hold in my hand the official document from the superintendent of the Ordnance vessels, who resides at Woolwich, in which it is stated that a seaman of the Ebenezer, having been sent sick into the hospital at Devonport, in such a state as to prevent the possibility of his attending his duties for a considerable period (the poor man is since dead), he proposed that the seaman Underdown, then serving in another vessel, should be transferred to the Ebenezer. This is dated from Woolwich, February 26th. Really, Sir, if we are to be subject to such charges as this, we shall soon be obliged to inquire whether any seaman serving in one of our vessels voted for or against some Honourable Gentleman opposite, before we send one of our boys to sea.

Sir, when this subject was last before the House, my Right Honourable and Gallant Friend opposite (Sir H. Hardinge) mentioned, and very properly mentioned, a case which occurred at the time when he belonged to the Ordnance, of a clerk who, whenever an election took place, always went to Rochester and voted for the Whig candidate. Sir, it was highly creditable to my Gallant Friend, and those who were in office with him, that this was permitted, and permitted without prejudice to the party who so voted; but, in justice to myself, and those acting with me, I must beg leave again to state a case of a similar nature, which I then cited, in reply to my Gallant Friend. It is the case of an Ordnance clerk at Devonport, who, at the last election for East Cornwall, voted a plumper against me, the Master General of the Ordnance. This, Sir, was, no doubt, a somewhat bold measure. This gentleman had, I understood, received his appointment through the influence of some friend of my noble opponent, for whom he voted; it was an act of gratitude, and I admired him for it; and, when informed of it, I desired that no notice whatever should be taken of the circumstance. I afterwards went over the gun wharf, accompanied by this gentleman, and spoke to him as if nothing of the sort had happened; and, as far as I know, to the hour of his death, which occurred shortly after, he never was aware that I knew how he had voted. Why, Sir, at the last election, when we were charged with having so improperly exerted our power, to show how little justice there is in the complaints that have been made against us, I beg to inform the Honourable Baronet opposite, and his friends around him, that, out of eight persons who had votes, and who were employed under the Ordnance, four, only, voted for Mr. Tufnell, and the remaining four for Mr. Dawson. What, let me ask, would the Honourable Baronet have more than this? What would satisfy him? Surely there could not be a fairer division than this was.

I hope, Sir, I have now explained and done away with all the charges that have been preferred against that department at the head of which I have the honour to be placed; and whilst I thank the House for the patience with which they have heard me, I resume my seat sincerely and distinctly asserting that I verily believe no election ever occurred, in regard to which the conduct of the department ever stood more perfectly free from having improperly used its influence.

SIR JOHN YARDE BULLER. — I do not think the Right Honourable Master General of the Ordnance will complain of my having brought the subject forward; for so far as regards the Right Honourable and Gallant Baronet himself, the explanation is sufficiently satisfactory; but it cannot be denied that Mr. Foote has good grounds for complaint. Mr. Hignett, though he had been doing business for Mr. Smith, during the illness of the latter, had given Mr. Foote no intimation of his own intention with respect to him. The first intimation which Mr. Foote received was from a report in a newspaper, stating that he was to be removed, and another appointed in his room. On applying to the editor of the paper, to know the source of the information, he was told it was a mere rumour, which would turn out to be unfounded, and the editor expressed his regret at its insertion. This was the first intimation which Mr. Foote had, until the appointment was given to another; and, under these circumstances, he has reason to complain both of the manner in which the transaction took place, and also of Mr. Hignett not having replied to his letter. I will read to the House a statement from Mr. Foote, setting forth the facts which preceded his removal, — as to which there is some little difference from the statement of the Right Honourable and Gallant Gentleman. Mr. Foote says, —

> On the 7th of January, 1840, when Mr. Dawson and Mr. Tufnell were candidates for Devonport, while I was alone in my office, a clerk of the Ordnance called upon me, and introduced a gentleman as Captain Dundas.

Then there is that statement to which the Right Honourable and Gallant Gentleman referred, of the business relative to the sale of the Ordnance property. Mr. Foote proceeds, —

> After that, the conversation was turned, and Captain Dundas said he had come down to assist his friend, and that there would be a sharp contest; to which I replied, "I am old, and in ill health, and can take no active part at all." He said, "I believe you have a son?" I said, "he is appointed on the committee of Mr. Dawson, and so acted at the last contested election." Nothing more was said. Captain Dundas said he was staying at Admiral Warren's, in the dockyard.

In the letter to the Right Honourable and Gallant Officer, Mr. Foote hopes for an answer "to relieve the feelings of an old man." In his letter to Mr. Hignett, after alluding to the account in the provincial paper, he goes on to say, —

> I found that another agent had been employed by the barrack department of the Ordnance in a case before the magistrates at Plymouth; and I take the liberty of addressing you on the subject, and asking why it should have been so; for I trust every matter of business in which I have been employed under yourself or your predecessor has been faithfully and honourably executed. I hope you will excuse my troubling you upon this subject, which is a painful one to me, after having acted for the board in matters of the greatest confidence for the last fifty years.

Now, Sir, I must say, that whatever was the cause of Mr. Foote's dismissal, he has great reason to complain, that to this letter, dated 23d February, he should have received no answer. But, there is another point, — that Mr. Foote states he received an answer to his letter to Sir Hussey Vivian, of which, being marked "private," he does not consider himself at liberty to disclose the contents; and Mr. Foote proceeds, —

> I beg to acquit Sir Hussey Vivian of all blame, and am enabled to form a pretty accurate view of how he is circumstanced. The pretence set up is, that the appointment of law agents rests entirely with the solicitor, and that he, having been appointed, on the death of Mr. Smith, chose a gentleman, not an attorney, but a conveyancer; whereas, in reality, though Mr. Smith did not die till a short time before the late election, Mr. Hignett acted as the board solicitor twelve months prior; and, during that time, we have transacted business under his

direction. And the real fact, as stated to me by several gentlemen whose names I must not mention, is, that immediately after the clerk of the Ordance left me, when he had the conference on the Ordnance business, he went to the present agent and employed him.

Yet, Sir, Mr. Hignett pretends that the dismissal of Mr. Foote took place on the death of Mr. Smith, who died on the 4th of December — and this was on the 7th of January. I must say, I think Mr. Foote had a right to expect more courtesy from Mr. Hignett.

SIR HUSSEY VIVIAN. — I can only again repeat that I knew nothing of the appointment of the present agent; and as to the letter which I wrote to Mr. Foote, I have not the slightest objection to its being read. With respect to Mr. Hignett not having answered the letter of Mr. Foote, I inquired into the matter, and it arose from Mr. Hignett having been engaged at an Ordnance trial at the assizes.

Mr. SHAW. — I would not say a word as to the affair of the Devonport election; but I wish to make one observation with regard to the Military Academy at Woolwich. Some charge was made against the Ordnance on this subject; and in the debate which took place in regard to that matter, a connection of mine was referred to. I therefore feel it to be my duty to state that I do not believe the management of that institution is in the least degree influenced by political considerations. I do not think this House the best place for discussing these points; and I would much rather, for my part, make any representations on the subject to the Right Honourable and Gallant Gentleman in private. As to the change in respect to the ages, I think it a good alteration, and that it is better the age should be 16 and 17, instead of 15 and 14.

Resolutions further read: —

3. That a sum, not exceeding 354,078*l.*, be granted to Her Majesty, for defraying the expense of the Royal Regiment of Artillery, the Royal Horse Artillery, the master gunners, the field train, the medical department, and the Royal Military Academy at Woolwich, for the year 1840-1.

4. That a sum, not exceeding 37,714*l.*, be granted to Her Majesty, for defraying the salaries to barrack masters in the United Kingdom and the colonies, for the year 1840-1.

5. That a sum, not exceeding 437,711*l.*, be granted to Her Majesty, for defraying the charge for Ordnance works and repairs, storekeepers' expenditure, building and repair of barracks, barrack masters' expenditure, pay of clerks of works, &c. in the United Kingdom and the colonies, for the year 1840-1, after deducting 86,042*l.* for credits, by sale of lands and premises, sale of old stores, and rents of canteens, &c.

6. That a sum, not exceeding 180,415*l.*, be granted to Her Majesty, for defraying the charge of the military and civil contingencies; also, of the surveys of the United Kingdom, and of that portion of the army extraordinaries transferred to the Ordnance by Treasury minute, for the year 1840-1.

7. That a sum, not exceeding 207,000*l.*, be granted to Her Majesty, for defraying the charge for stores, on account of ordnance and military store branch services, for the year 1840-1.

8. That a sum, not exceeding 158,647*l.*, be granted to Her Majesty, for defraying the charge of the Office of Ordnance, on account of the allowance of superannuated, retired, and half-pay officers, pensions for good services, inventions, and wounds; for pensions to widows and children of deceased officers late belonging to the several ordnance military corps: also, allowances, compensations, and emoluments, in the nature of superannuated or retired allowances, to persons late belonging to the Office of Ordnance, and to the barrack department, in respect to their having held any public offices or employment of a civil nature: and, also, for the charge of widows' pensions, for the year 1840-1.

9. That a sum, not exceeding 285,636*l.*, be granted to Her Majesty, for defraying the charge of the commissariat supplies in the United Kingdom and the colonies, for the year 1840-1.

Resolutions agreed to.

UNION WORKHOUSES BILL.

Mr. FOX MAULE.—I move the Order of the Day for the third reading of this Bill.

On the question, "That the Order of the Day be now read," —

SIR CHARLES DOUGLAS said: — I have to present a petition from Saint Nicholas, Warwick, against the Bill; and I hope the Honourable Gentleman will consent to postpone the Bill, at least for a short time. Several petitions have been presented against the measure; and I have a strong objection to some of its provisions. I am unwilling, now, to discuss the measure; but if the Honourable Gentleman persists in his motion, I shall be obliged to state the reasons why I cannot give my consent to it. My attention was not called to the Bill until after the second reading, or I should have opposed it before.

Mr. BERNAL. — I also trust my Honourable Friend will consent to postpone the Bill. He has already, in Committee, made a sweeping alteration, striking out a clause preserving the existing rating for lands or buildings afterwards converted to workhouse purposes. My Honourable Friend knows that, by a decision of the Queen's Bench, rates are imposable on union workhouses. I think the measure is not generally understood.

Mr. BURROUGHES.—I concur in requesting the postponement of the Bill. If this be not acceded to, I shall move that the third reading be put off till this day six months.

Mr. HODGES.—The Bill has been for only a short time before the House, and the public are not aware of its provisions. I regret it should have gone to this stage without public attention being called to it, and I think it should be postponed.

Mr. HUME.—I wish to ask whether the Government mean to agree to exempt hospitals from rating?

Mr. FOX MAULE.—I thought my Right Honourable Friend the Chancellor of the Exchequer had distinctly stated that such was not his intention. I certainly was not aware that this Bill would receive such opposition. Neither on the second reading, nor in Committee, was it so opposed. It has been brought in merely to exempt from parochial rating buildings taken for workhouse uses; and my object, in wishing to carry it on, is, that there is a new rating on the 5th of April; so that postponement would, virtually, be desertion.

SIR E. KNATCHBULL.—I do not understand what the Honourable Gentleman means by there being a new rating on the 5th of April. The rates are quarterly, and there will be another on the 15th of July. I must say, I do not think that the measure has been sufficiently considered. I do not say that it is unreasonable to exempt workhouses from the payment of rates; but, at the same time, it would be well to allow the Bill to stand over for a week, as it has not before been discussed.

SIR T. FREMANTLE.—I am in favour of the Bill, and I hope the Honourable Gentleman will not consent to postpone the third reading. I think it hard to compel parishes to lay out large sums on the building of workhouses, and then to force them to pay a large amount in the shape of rates. It is unfair to order parishes to build workhouses, and to give the particular parish in which they are situated the benefit of the rates derived from those erections. At the same time, however, I must say, that care ought to be taken not to put any parish in a worse position than it was before the building of a workhouse within its boundary. The land on which the buildings are situated ought still to contribute to the parish rates in the same ratio as before the erection.

SIR C. DOUGLAS.—If the Honourable Under Secretary persist in his motion, I shall certainly meet it with an amendment, that the third reading of the Bill be postponed till after Easter.

SIR ROBERT PEEL.—I think the principle of this measure a just one. I think, at the same time, however, that time ought to be given for the consideration of its provisions; and if that is the object of the motion for postponement, I shall certainly support it;—not with any view of defeating the Bill, but to give opportunity for stating valid objections.

Mr. HAWES.—May I add one word to urge on my Honourable Friend the postponement of the Bill? I am in its favour, and think it deserves support; but representations have lately been made to me which induce me to think that there ought to be some delay.

Mr. FOX MAULE.—I cannot, of course, resist such repeated solicitations from both sides of the House, and will postpone the Bill for a fortnight.

Third reading deferred till Monday, the 6th of April.

LAW OF EVIDENCE (SCOTLAND) BILL.

The LORD ADVOCATE.—I move the Order of the Day for going into a Committee on this Bill.

On the question, "That the Order be now read,"—

SIR WILLIAM RAE said:—I hope the Learned Lord will consent to postpone this Bill, to afford time for eliciting the opinions of the legal profession in Scotland, as the subject is one of great importance.

The LORD ADVOCATE.—I have no objection to postpone it for a day or two.

Third reading postponed till Friday.

DRAINAGE OF LANDS BILL.

Read a second time, and committed for Monday next.

INLAND WAREHOUSING BILL.

Second reading deferred till Monday next.

SEWERS BILL.

Mr. CHRISTOPHER.—I beg to move the second reading of the Sewers Bill.

An HONOURABLE MEMBER. — Sir, I rise to second the motion.

Question put.

Mr. HODGES. — It is my intention to oppose the motion. Some time ago, I introduced a Bill for the regulation of sewers in England and Wales, which, after a patient and laborious investigation, became the law of the land. That Bill has now been in operation several years; and I believe that not a single petition has been presented praying for an alteration in its provisions. That measure has been perfectly satisfactory; and I think it incumbent on the Honourable Member to show some grounds for repealing that Act and introducing another. If the Honourable Member will introduce a Bill for the consolidation of the laws relating to sewers, he shall have my cordial support; but I cannot agree to the course now proposed.

Mr. CHRISTOPHER.—Perhaps, after what has fallen from the Honourable Member for West Kent, it may be desirable that I should make a few remarks with respect to the measure now under consideration. In the course of the last Session, in compliance with the urgent request of several persons, I turned my attention to this subject, and brought in a Bill similar to the one now before the House. That Bill was read a second time, and referred to a Select Committee — a Committee composed of Honourable Gentlemen well acquainted with the subject, and particularly interested in the drainage of land. The result of that inquiry was, that I was instructed to proceed with the Bill, in order that its provisions might be submitted to the country. I now intend to take the same course, and, at a future day, to nominate the same Committee, in order that its provisions may be fully considered, and that any necessary alterations may be introduced. The Honourable Member for West Kent seems to be of opinion that this is an entirely new measure, and that my intention is to repeal a useful existing Act; but, surely, the Honourable Member must be aware that much litigation has arisen as to the interpretation of many of the provisions of that Act. It was my original intention to bring forward a measure to amend the existing law; but, considering it very desirable that the persons who sit as commissioners should have but one Act to guide them, I thought it more advisable to propose the repeal of the existing law, and bring in another Bill; and, in the measure now before the House, all the clauses of the existing Act, with the exception of two, are preserved, and several additional clauses are introduced, in order to amend the present law. This measure applies only to the agricultural districts; and I will now state some of the alterations which I propose. In many cases, it is very desirable to deviate from the lines of drainage laid down a considerable time ago; and although every proprietor in the level may be benefited by it, considerable difficulty is experienced in procuring the requisite number of consents. What I propose is, that if a person wishes to improve any particular drainage, he shall present a petition to the Court of Sewers, which shall consist of three commissioners, and deposit a sum of money, sufficient to secure the publication of the proper notices. The commissioners, after hearing counsel, shall determine whether the work shall be carried into effect, or not: and if the parties feel themselves aggrieved, I propose to give the power of appeal to the quarter sessions. Under the old Act, the mode of impanelling juries is exceedingly defective. To remedy this inconvenience, I propose that a smaller number shall be sufficient. I also intend, by advertisement in the newspapers, to dispense with many of the cumbrous proceedings which are now necessary with respect to the publication of notices. I have no desire unnecessarily to press forward the measure, and purpose to leave it entirely in the hands of the Committee. I have received communications from all parts of England approving of the principle of this Bill, and only suggesting that certain alterations may be made in it when in Committee. Under these circumstances, therefore, I hope the House will allow it to be read a second time.

Mr. HODGES. — The explanation of the Honourable Member has in no way removed my objection to the second reading of the Bill; and I shall therefore move that it be read a second time this day six months.

Mr. HUME. — I hope, after the explanation given by the Honourable Gentleman opposite, that my Honourable Friend the Member for West Kent will allow the Bill to be read a second time, in order that it may be referred to a Committee up-stairs. If, when it comes from the Committee, it shall not be found satisfactory to my Honourable Friend, it will then be open for him to oppose the further progress of the measure.

COLONEL SIBTHORP. — I trust the Honourable Member for West Kent will not press his amendment. Many objections exist to the present law relating to sewers; and as my Honourable Friend has taken considerable trouble to remedy those defects, I think, in fairness, the Bill ought to be left to the consideration of a Committee.

Mr. C. BERKELEY. — It appears to me that the Honourable Member is legislating merely for the county of Lincoln. In Gloucestershire, where there is a considerable quantity of drainage, the provisions of the Bill will be strongly objected to; and I shall therefore support the amendment of the Honourable Member for West Kent.

Mr. CHRISTOPHER. — I beg to state that I have received communications from Gloucestershire, as well as from other parts of the country, in favour of the principle of the Bill. Instead of introducing a local Act for the county of Lincoln, I thought it better to bring in a general measure, which will apply equally to other parts of the country.

Mr. W. A. WILLIAMS. — I think no reason has been shown for proceeding with the Bill. I certainly am not aware that any inconvenience has resulted from the present law. In the county with which I am connected, the people are perfectly satisfied with the law as it now stands.

Mr. BROADLEY. — I trust that the Honourable Gentleman will be allowed to proceed with his Bill, in order that its provisions may be fully examined.

Mr. LANGDALE. — As the proposition for sending the Bill to a Committee will remove many objections which I may have to it, I shall certainly vote for the second reading.

LORD G. SOMERSET. — I think there are many strong reasons against the Bill passing during the present Session. I certainly object to many of its provisions; and, on the third reading, if in its present shape, I shall decidedly vote against it. I think that the law, as it at present stands, may be reconsidered with advantage to all parties, and I therefore hope the Bill will be allowed to go to a Select Committee.

Mr. HODGES. — In accordance with the wishes of so many Honourable Gentlemen, I beg to withdraw my amendment.

Amendment withdrawn; Bill read a second time, and referred to a Select Committee.

COLONIAL PASSENGERS BILL.

Committee deferred till Friday.

PARLIAMENTARY BURGHS (SCOTLAND) BILL.

Second reading deferred till Friday.

PRISONS BILL.

Further consideration of Report deferred till Friday.

TITHES COMPOSITION (IRELAND) BILL.

Second reading deferred till to-morrow.

SUPPLY.

Committee deferred till Wednesday.

WAYS AND MEANS.

On the motion of Mr. R. GORDON, resolution reported: —

That, towards making good the supply granted to Her Majesty, the sum of 8,000,000*l.* be granted out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Resolution agreed to; Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. ROBERT GORDON.

PRINTED PAPERS.

Consideration of the statement of the Sergeant-at-Arms deferred till to-morrow.

WAYS AND MEANS.

Committee deferred till Wednesday.

SETTLED ESTATES DRAINAGE BILL.

On the motion of Mr. PUSEY, Committee nominated: — Mr. Pusey, Sir James Graham, Sir Edward Sugden, Mr. Handley, Mr. Lynch, Lord Worsley, Sir Thomas Acland, Captain Pechell, Mr. Aglionby, Mr. Freshfield, Mr. Hayter, Sir John Yarde Buller, Mr. Bruges, Sir Harry Verney, and Mr. Stansfield. — Five to be the quorum.

CORONER FOR MIDDLESEX.

Mr. WAKLEY. — I beg to move that the following Committee be nominated: — Mr. Wakley, Colonel Thomas Wood, Mr. William Willians, Mr. Mackinnon, Mr. Solicitor General for Ireland, Mr. Cripps, Mr. Thomas Duncombe, Lord Teignmouth, Sir James Duke, Lord Eliot, Mr. Aglionby, Sir Thomas Fremantle, Sir Benjamin Hall, Mr. Gally Knight, and Sir George Strickland. — Power to send for persons, papers, and records; five to be the quorum.

COLONEL T. WOOD. — I have consented to serve on this Committee with very great reluctance. I do so in justice to the magistrates whose conduct is involved in this proceeding; but I cannot help saying that I think the course which has been taken is most irregular, and highly improper.

Motion agreed to; Committee nominated.

CONSOLIDATED FUND BILL.

Bill, "to apply a Sum of Money out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty," presented, and read a first time; to be read a second time to-morrow.

RETURNS.

Navy. — Return presented — of the statistical accounts of the health of the navy, 1830—1836 (ordered 20th March). — To lie on the table.

Consolidated Fund. — Account (presented 20th March). — To be printed.

Public Income and Expenditure. — Accounts (presented 20th March). — To be printed.

China.— Paper (presented 20th March). — To be printed.

Adjourned at half after ten o'clock.
